

press of the United States of America, against the Polish expropriation bill by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petitions of United Trade and Labor Council and Lake Seamen's Union, of Buffalo, N. Y., for H. R. 14941, relative to undermanning evil on steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Metropolitan Association of Retail Druggists, for S. 4700 and H. R. 14639—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of citizens of Brooklyn in mass meeting, Sunday evening, February 23, Bijou Theater, Brooklyn, under auspices of Clan-na-Gael, against ratification of a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. SHEPPARD: Paper to accompany bill for increase of pension to Henry Welch (H. R. 18100)—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Ocean Side Grange, Patrons of Husbandry, of Hampton, N. H., for a national highway commission—to the Committee on Agriculture.

By Mr. WALDO: Petition of drug section of New York Board of Trade, against H. R. 6089 and S. 42—to the Committee on Interstate and Foreign Commerce.

## SENATE.

THURSDAY, February 27, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of Andrew Chapel, Methodist Episcopal Church South, of Fairfax County, Va., *v.* United States;

In the cause of Wynona Ambrose Dixon *v.* United States;

In the cause of the Trustees of the Jerusalem Baptist Church and the Vestry of the Zion Protestant Episcopal Church, of Fairfax County, Va., *v.* United States; and

In the cause of the Board of Commissioners of the Judah Touro Almshouse Fund, of New Orleans, La., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### CONSOLIDATION OF PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following communication, which was read:

OFFICE OF THE ENGINEER COMMISSIONER  
OF THE DISTRICT OF COLUMBIA,  
Washington, February 25, 1908.

Hon. CHARLES W. FAIRBANKS,  
President of the Senate, United States Senate.

SIR: The Commission created by act of Congress, approved June 20, 1906, consisting of the Superintendent of Schools of the District of Columbia, the Supervising Architect of the United States Treasury, and the Engineer Commissioner of the District of Columbia, to report to Congress a general plan for the consolidation of public schools in the District of Columbia, and for other purposes, has the honor to submit herewith its report.

Very respectfully,

A. T. STUART,  
Superintendent of Schools.  
JAMES KNOX TAYLOR,  
Supervising Architect, United States Treasury.  
JAY J. MORROW,  
Major, Corps of Engineers, United States Army,  
Engineer Commissioner, District of Columbia.

Mr. GALLINGER. Mr. President, that is a very important report. I ask that it may be printed as a document, with illustrations that will be supplied, and that 500 additional copies of the report be printed for the use of the document room.

The VICE-PRESIDENT. Without objection it is so ordered. The communication, with the accompanying report, will be referred to the Committee on the District of Columbia.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16078. An act providing for second desert-land entries;

H. R. 16746. An act to authorize T. H. Friel or assigns to

construct a dam across Mulberry Fork of the Black Warrior River; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the New York Branch of the American Federation of Labor, remonstrating against the enactment of legislation which will interfere with or impair the present efficient pilotage system of the country, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation authorizing that at least two of the four new battle ships whose construction has been requested by the General Board of the Navy be built at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Commandery of California, Military Order of the Loyal Legion, of San Francisco, Cal., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Plains Mercantile Company, of Plains, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of Middlesex Lodge, No. 329, International Association of Mechanics, of New Brunswick, N. J., praying for the enactment of legislation providing for the construction of the next first-class battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Sparta, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Little Falls, Hoboken, Newark, and Summit, all in the State of New Jersey, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented a petition of the Trades Assembly of Glens Falls, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Workingmen's Federation of the State of New York, of Utica, N. Y., remonstrating against the enactment of legislation to abolish the present pilotage system of the country, which was referred to the Committee on Commerce.

He also presented a memorial of John L. Thompson, Sons & Co., of Troy, N. Y., remonstrating against adoption of certain amendments to the present pure-food and drug law relating to standards for foods and drugs, which was referred to the Committee on Manufactures.

He also presented a memorial of the Jobbers' Exchange of Grocers, of Binghamton, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Albany County Woman's Christian Temperance Union, of Cohoes, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of Bidwell-Wilkeson Post, No. 9, of Buffalo; of Chapin Post, No. 2, of Buffalo, of the Department of New York, Grand Army of the Republic; and of the memorial and executive committee, Grand Army of the Republic, of Brooklyn, all in the State of New York, remonstrating against the amendment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 314, American Federation of Musicians, of Elmira, N. Y., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented the petition of Howard C. Wicks, of Herkimer, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

Mr. LONG presented a petition of the Citizens' Industrial Club of Independence, Kans., praying that an appropriation be made for the purchase of a site and the erection thereon of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 340, Brotherhood of Locomotive Firemen and Engineers, of Newton, Kans., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Parkersville, Yates Center, Hutchinson, Riley, and Lawrence, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry volunteer officers of the civil war, of Wichita, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Arkansas City, Chanute, Concordia, Ematon, Emporia, Fort Scott, Freeport, Holton, Howard, Independence, Lawrence, Lyons, Manhattan, Newton, Olathe, Oneida, Ottawa, Rosedale, and Wichita, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry papers to accompany the bill (S. 608) relating to proof of signatures and handwriting, which were referred to the Committee on the Judiciary.

He also presented a memorial of Sunflower Council, No. 31, United Commercial Travelers, of Salina, Kans., remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I present a petition of the Rock River Conference of the Methodist Episcopal Church, of Galena, Ill. It is brief, and I ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

GALENA, ILL., February 24, 1908.

HON. SHELBY M. CULLOM,  
Senator from Illinois.

DEAR SIR: The Rock River Conference of the Methodist Episcopal Church, consisting of 336 ministers, representing 400 churches, with over 60,000 communicants, at its last regular session adopted the following attached resolutions, and instructed me as its secretary to forward them to you:

"Whereas the testimony in the hearing in the matter of the protest against the seating of Mr. REED SMOOT before the Committee on Privileges and Elections of the United States Senate revealed the fact that Joseph F. Smith, president of the Church of Latter Day Saints, commonly known as the 'Mormon Church,' and other officials and members of that church, continue to live in polygamy (a polygamous child having been born to President Smith since he gave his testimony before the Senate committee) in violation of the pledge given to the nation in 1891 by the apostles of the church, that polygamy and polygamous practices should cease if amnesty were granted their people for past violations of laws prohibiting polygamy and polygamous practices; and

"Whereas the defiant and persistent violation of laws by Mormon polygamists shows that the States in which Mormons are in power are not and will not be able to cope with this evil; and

"Whereas President Roosevelt in his message to Congress, December, 1906, said: 'It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States; power to deal with it should be conferred on the National Government'; and the President recommended submission of an amendment to the Constitution of the United States prohibiting polygamy: Therefore be it

"Resolved by the Rock River Conference of the Methodist Episcopal Church, That we respectfully request the Hon. SHELBY M. CULLOM and Hon. ALBERT J. HOPKINS, members of the National Senate from the State of Illinois, of which the ministers and members of the Methodist churches of this conference are citizens, to introduce, advocate, and vote for an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation, the same to be submitted to the several States for ratification.

"Resolved, That a copy of these resolutions be sent by the secretary of this conference to the Hon. SHELBY M. CULLOM and ALBERT J. HOPKINS, Senators from the State of Illinois."

Attest:

J. A. MATLACK,  
Secretary Rock River Conference.

Mr. ELKINS presented a petition of the Western Fruit Jobbers' Association of Omaha, Nebr., praying for the enactment of legislation to empower the Interstate Commerce Com-

mission to name and establish minimum as well as maximum freight rates governing interstate shipments, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation requiring telegraph companies to show on each telegram delivered by them the time it was filed for transmission, and also to prevent the mailing of telegrams by telegraph companies which are accepted for telegraphic transmission, which was referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 5313) granting an increase of pension to Cassius C. Wertz, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Cattle and Horse Growers' Association of Albany County, Wyo., praying for the enactment of legislation placing the leasing of public grazing lands of the country under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented petitions of Local Union No. 388, International Typographical Union, of Walla Walla, Wash., and a petition of Local Union No. 410, International Typographical Union, of Everett, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Central Labor Council of Seattle, Wash., praying for the enactment of legislation placing under Government inspectors the telegraph offices in every city of the United States of 50,000 inhabitants or more, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Connecticut Hardware Association of Meriden, Conn., remonstrating against any change being made in the present postal laws which would allow postmasters to furnish lists of patrons of the rural free-delivery routes to any person or firm for any use whatever, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP (for Mr. KITTEDGE) presented a petition of sundry citizens of Mitchell, S. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (H. R. 16621) to extend the time for the construction of a dam across Savannah River at Cherokee Shoals, reported it without amendment.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2938) to provide for the erection of a public building at Lander, Wyo., reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 649) to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming, reported it with amendments and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. TALIAFERRO on the 22d instant, proposing to appropriate \$125,000 for a light vessel on St. John's River Bar, Florida, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 1669) granting on honorable discharge to Benjamin Warner, reported it without amendment and submitted a report thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, reported it without amendment and submitted a report thereon.

Mr. BROWN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4085) to authorize the Secretary of the Interior to issue patents to Indians of the Santee tribe for lands assigned under the treaty of April 29, 1868, to report it adversely and to move its indefinite postponement, as a similar bill has been passed.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4084) to authorize the capitalization and payment of funds due the Winnebago tribe of Indians and to enable them to sell and convey their allotted lands in Ne-

braska, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2317) for the erection of a public building at Appleton, Wis., reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5363) to provide for the purchase of a site and the erection of a public building thereon at Franklin, La., reported it with an amendment and submitted a report thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom was referred the bill (S. 2232) to correct the naval record of Charles C. Lee, reported it with an amendment and submitted a report thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 568) for the relief of Capt. George Van Orden, United States Marine Corps, reported it without amendment and submitted a report thereon.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 9079) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise, reported it without amendment.

#### HARBOR OF WILMINGTON, CAL.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, to report it favorably without amendment, and I submit a report thereon. I call the attention of my colleague, the junior Senator from California, to the report.

Mr. FLINT. I ask unanimous consent for the immediate consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 54) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, reported adversely thereon, and the joint resolution was postponed indefinitely.

#### TRINITY RIVER (TEXAS) IMPROVEMENT.

Mr. CLARKE of Arkansas. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River, to report it favorably without amendment.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. CULBERSON subsequently said: Before passing from the order of reports of committees, the Committee on Commerce this morning reported a short joint resolution, H. J. Res. 120, for which I ask present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LAUNCH FOR CUSTOMS SERVICE.

Mr. DEPEW. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5476) for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg., to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from Oregon [Mr. FULTON] to the report.

Mr. FULTON. I ask for the present consideration of the bill.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FUNERAL EXPENSES OF THE LATE SENATOR ASBURY C. LATIMER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the

following resolution, submitted by Mr. TILLMAN on the 25th instant, reported it without amendment, and it was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator Asbury C. Latimer, from the State of South Carolina, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### HEARINGS BEFORE COMMITTEE ON THE PHILIPPINES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported yesterday by Mr. LODGE from the Committee on the Philippines, reported it without amendment, and it was considered by unanimous consent and agreed to:

*Resolved*, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

#### HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PENROSE, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

#### SURVEY OF CONTENTNEA (MOCCASIN) RIVER, NORTH CAROLINA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the concurrent resolution submitted yesterday by the Senator from North Carolina [Mr. OVERMAN], to report it favorably without amendment, and I ask for its present consideration.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill, in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river.

#### PIGEON RIVER (MICHIGAN) IMPROVEMENT.

Mr. SMITH, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 59) directing an examination of Pigeon River at Port Sheldon, Mich., reported the following concurrent resolution as a substitute:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Pigeon River from its mouth in the vicinity of Port Sheldon, Mich., for 4 miles, with a view to providing a 10-foot channel and turning basin, and to submit estimates for the same.

#### COOSA RIVER (ALABAMA) IMPROVEMENT.

Mr. SMITH, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 60) to provide for a survey of a portion of Coosa River, Alabama, reported the following concurrent resolution as a substitute:

*Resolved by the Senate (the House of Representatives concurring)*, That for the purpose of ascertaining the practicability and cost of improving navigation on Coosa and Alabama rivers by means of storage reservoirs at, near, or above the sites selected for locks and dams Nos. 12, 14, and 15 by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the Secretary of War is hereby authorized to cause a survey to be made of that portion of Coosa River above and below the sites selected for locks and dams Nos. 12, 14, and 15, and to submit to Congress as early as practicable a report giving the results of said survey, including plans and estimates of the whole cost of the work and the proportion thereof which should be borne by the United States; and that the cost of said survey shall be paid from funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors.

#### INTERSTATE-COMMERCE REGULATIONS.

Mr. FULTON. Mr. President, before passing from the order of reports of committees I wish to say just a word. I ask the attention of the Committee on Interstate Commerce to a little bill that is very dear to me, which was referred to that committee on the 4th day of December last, and so far as I can discover it has been slumbering there without a particle of disturbance ever since.

Mr. President, I do not doubt that the committee is disposed to treat the bill with utmost good faith. It is Senate bill 426. It proposes to amend the interstate-commerce law to this extent, that when a notice shall be given by a transportation

line of its intention to increase a rate or change a practice, a shipper shall have a right to protest, and thereupon the change shall not be made without a hearing.

I understand that the Interstate Commerce Commission has recommended an amendment to the effect that it be left to the discretion of the Commission as to whether or not a stay of proceedings shall be granted. I am perfectly content to accept that amendment. I only wish to urge the committee to take up the measure and give it that degree of attention which its importance demands and which the great body of the people are petitioning shall be done. I am receiving petitions and letters every day urging that some action be taken in this matter.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. FULTON. Certainly. I am glad to yield. The Senator is a member of that committee, and I should like to hear a voice from it.

Mr. CLAPP. Knowing the intense interest of the chairman of the committee in that bill, I hardly think it proper that the subject should be brought up at this time. It seems to me the Senator's remarks ought to be withheld until the chairman can be here.

Mr. FULTON. I was approaching the proposition of the absence of the chairman of the committee. I see that he is absent just at this moment from the Chamber, and for that reason I hesitated about bringing the matter up, but, realizing that the committee meets to-morrow, I can not refrain from expressing the hope that the committee will take up the bill and give it consideration with a view of reporting it back to the Senate before the expiration of the present session. I do not wish, of course, to question the perfect sincerity and good faith of the committee. I know that it has a vast amount of work to do; but, Mr. President, people are asking for this bill, and I think I am justified in thus calling the attention of the committee to it. Indeed, I can not consent that it shall be much longer retained by the committee.

Mr. CLAPP. Mr. President, in the absence of the chairman, it seems only proper that I should state that parties in favor of the bill, and I think some, perhaps, who have objections to the bill, desire to be heard, and the chairman has arranged to give them a hearing. The committee is working on the bill in connection with its other work, and I think is moving the matter along as rapidly as it can be moved in view of the fact that parties have desired to be heard upon it before it is reported.

Mr. FULTON. The Senator's remarks are quite pertinent and proper. Parties are entitled to be heard and to be given a reasonable length of time. I submit that they can not be heard unless the committee meets and gives them a hearing.

Mr. CULLOM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. CULLOM. I only wish to say a word in reference to the bill the Senator refers to. I happened to be acting as chairman at the last meeting when the bill was considered or, at least, brought up. The subcommittee which have the bill in charge was at one time ready to report, as I understood it, and was prevented from doing so on account of the desire on the part of people to be heard, and they took the bill back to hold it until the hearing was over. They fully intended to report it just as soon as they could after that. So I want to assure the Senator from Oregon there was no sort of feeling on the part of anyone as far as the committee is concerned.

Mr. FULTON. I am sure of that. It is only that in the multitude of business I am afraid this little measure will be lost sight of, and I wanted to call the attention of Senators to its importance. I am glad to be assured that the bill will be given consideration, and I hope it will be shortly reported.

#### BILLS INTRODUCED.

Mr. ANKENY introduced a bill (S. 5751) to authorize the President of the United States to confer an additional grade on retired officers who have two or more recommendations for the medal of honor from corps and division commanders for gallantry in battle and who have thirty-one years of service, including four years in the civil war, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 5752) authorizing the appointment of Maj. James H. Spencer, United States Army, retired, to the rank and grade of colonel on the retired list of the Army, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5753) to amend the act of April 20, 1906, entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in

the Indian Territory, and for other purposes," which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BURROWS introduced a bill (S. 5754) for the relief of Charles A. Miner, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 5755) granting an increase of pension to Laura H. Snider, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5757) granting an increase of pension to Beatrice Paul Marmion, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5758) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TAYLOR introduced a bill (S. 5759) granting an increase of pension to A. F. Broyles, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5760) for the relief of R. R. Robinson;

A bill (S. 5761) to carry out the findings of the Court of Claims in the case of Laura E. Raulston, administratrix of James W. Raulston, deceased;

A bill (S. 5762) for the relief of Nancy Walden;

A bill (S. 5763) for the relief of the heirs of Simeon Graves, deceased;

A bill (S. 5764) for the relief of the heirs at law of Robert Worthington;

A bill (S. 5765) for the relief of P. H. Schoolfield;

A bill (S. 5766) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of W. W. Sharp, deceased;

A bill (S. 5767) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Henson, deceased;

A bill (S. 5768) for the relief of Nathaniel R. and William C. Carson;

A bill (S. 5769) for the relief of Samuel Y. B. Williams;

A bill (S. 5770) for the relief of the estate of W. G. Hoge, deceased;

A bill (S. 5771) for the relief of Ruth Holder;

A bill (S. 5772) for the relief of Lovenia Hodges (née Grant); and

A bill (S. 5773) for the relief of the estate of John A. Heard, deceased.

Mr. FOSTER introduced a bill (S. 5774) for the relief of John M. Kelly, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 5775) appropriating \$250,000 to prevent the banks of the Mississippi River in front of the city of New Orleans, La., from caving and to construct levees along said river front; and

A bill (S. 5776) authorizing the Mississippi River Commission to investigate the necessity, urgency, and practicability of divorcing the Mississippi River from the Red and Atchafalaya rivers.

Mr. TILLMAN introduced a bill (S. 5777) providing for publicity in connection with contributions made to national and Congressional committees in order to influence elections in two or more States or Territories where Representatives or Delegates to Congress are to be voted for, which was read twice by its title and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Privileges and Elections.

Mr. TALIAFERRO (by request) introduced a bill (S. 5778) to authorize the President of the United States to confer an additional grade on retired officers who have two or more recommendations for the medal of honor from corps and division commanders for gallantry in battle and who have thirty-one years of service, including four years in the civil war, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 5779) appropriating money for the maintenance and establishment of public schools for all children of scholastic age in the Quapaw Agency, Ottawa County, Okla., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. ELKINS introduced a bill (S. 5780) for the relief of the heirs of John W. Warwick, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5781) granting a pension to Benjamin Brown; and  
A bill (S. 5782) granting an increase of pension to William Large.

Mr. CULBERSON introduced a bill (S. 5783) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox, which was read twice by its title and referred to the Committee on Claims.

Mr. PAYNTER (by request) introduced a bill (S. 5784) for the relief of the estate of Granville Smith, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 5785) granting a pension to Willis J. Freeman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5786) granting an increase of pension to David Jewell, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5787) to amend section 4463 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on Commerce.

Mr. PERKINS introduced a bill (S. 5788) for the relief of the estate of Julius Jacobs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 5789) granting an increase of pension to John A. Quilty, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5790) for the relief of Lillie Small Rib, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 5791) to provide for the purchase of a site and the erection thereon of a public building at Mineral Wells, Tex., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5792) for the relief of the heirs of Dr. James Gower, deceased;

A bill (S. 5793) for the relief of H. Polkinghorne, jr., or his heirs or legal representatives;

A bill (S. 5794) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased; and

A bill (S. 5795) for the relief of the heirs of William Stansbury, deceased (with accompanying papers).

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5796) granting an increase of pension to Louisa S. Holden;

A bill (S. 5797) granting an increase of pension to Chester H. Felton;

A bill (S. 5798) granting an increase of pension to John Eger; and

A bill (S. 5799) granting an increase of pension to Asa G. Reyburn.

Mr. TAYLOR introduced a joint resolution (S. R. 61) for the relief of the enrolled militia of Memphis and the western district of Tennessee, which was read twice by its title and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment providing that the paymasters' clerks now in the service of the United States Army shall hereafter be known as "paymasters' assistants, United States Army," etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to increase the number of Assistant Attorneys-General, Department of Justice, from five to seven, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate \$2,500 for salary of file clerk in the office of the Secretary of the Senate, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LONG submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. CULLOM. I submit two amendments, intended to be proposed to House bill 15372. I hope that these amendments will be embodied in the bill known as the "omnibus claims bill." I move that they be printed and referred to the Committee on Claims.

The motion was agreed to.

#### EFFICIENCY OF THE ARMY.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 2218) to increase the efficiency of the Army of the United States, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

#### METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The amendment of the House was, on page 2, line 3, after "act," to insert the following proviso:

*Provided, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half the sum allowed by law at the date of retirement.*

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives to the bill. The motion was agreed to.

#### HOUSE BILLS REFERRED.

H. R. 16078. An act providing for second desert-land entries was read twice by its title and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

#### OCEAN MAIL SERVICE.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. I ask the Chair to lay before the Senate Senate bill 28, which was made a special order.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign countries and to promote commerce."

Mr. GALLINGER. Mr. President, I have made inquiry on both sides of the Chamber and so far have not found any Senator who desires to be heard on this bill, with the exception of the Senator from Nevada [Mr. NEWLANDS]. Very likely there may be other Senators who wish to speak.

Mr. SIMMONS. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. With pleasure.

Mr. SIMMONS. I desire at some time to submit some remarks on the bill, but I am not prepared to do it to-day.

Mr. GALLINGER. Mr. President, I have no desire to hasten the bill inordinately or improperly, and yet I am going to venture to ask unanimous consent that the final vote be taken on the bill, amendments pending, and amendments to be offered, on Thursday next, March 5, before the hour of adjournment on that day.

Mr. SIMMONS. I ask the Senator if he will not give a little more time, and make it Thursday of the following week?

Mr. GALLINGER. I did not hear the Senator.

The VICE-PRESIDENT. The Senate will be in order.

Mr. SIMMONS. I suggest to the Senator from New Hampshire to defer it a little longer than that time. I expect to be out of the city for several days the first of next week.

Mr. GALLINGER. Would the succeeding Monday suit the convenience of the Senator?

Mr. SIMMONS. Yes; I would not object to that.

Mr. GALLINGER. Then I would make it Monday, the 9th day of the month.

Mr. CULBERSON. Mr. President, I have no disposition, and I do not believe there is any disposition on the part of any Senator in the Chamber on either side, to unnecessarily defer action on the bill. But the bill has been reported to the Senate at such a time that it has been impracticable to confer with Senators to see who, if any, desire to speak upon it. I ask the Senator from New Hampshire if he will not defer his request until some inquiry can be made on that subject?

Mr. GALLINGER. I will be pleased to do so, Mr. President; and in the meantime I will ask unanimous consent that on Monday next, after the routine morning business, the bill may be laid before the Senate for further consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill be laid before the Senate for consideration immediately after the close of the routine morning business on Monday next. Is there objection? The Chair hears none, and it is so ordered.

#### DONATION OF CONDEMNED CANNON.

Mr. SMITH. I ask unanimous consent to call up the joint resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. FRYE. Mr. President, I understand that we are now considering the Calendar under Rule VIII?

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. FRYE. I ask that order of business No. 204, being Senate joint resolution No. 40, to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, may be passed over without prejudice. I give notice that I shall call it up for action at the earliest possible day.

The VICE-PRESIDENT. Without objection, the joint resolution referred to by the Senator from Maine will be passed over without prejudice.

Mr. GALLINGER. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Secretary will state the first bill on the Calendar.

#### MINING TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as first in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice.

#### PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

#### OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

#### TRACK CONNECTION WITH THE WASHINGTON NAVY-YARD.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., was announced as next in order.

Mr. GALLINGER. It is very important that that bill should be acted upon to-day. The Senator from Montana [Mr. CARTER] is not now present, and I ask that it may temporarily go over, to be recurled to.

The VICE-PRESIDENT. It will be so ordered.

#### JURISDICTION OF CIRCUIT COURTS.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the re-

moval of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, by adding the following to section 1 of that act as amended:

When a State contains more than one district or a district contains more than one division and there are two or more defendants residing in different districts or divisions of the same State, the action may be brought in either division or district in which either of the defendants may reside, and an alias writ may be issued by the clerk against the defendant or defendants residing in the other district or division of the State than that of the court in which the action is brought, directed to the marshal of any other district of that State in which any defendant resides; and such alias writs, when executed and returned into the office from which they issue, shall constitute proper service, and upon judgment or decree rendered therein execution may be issued, directed to the marshal of any district in the same State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

#### PACIFIC PEARL MULLETT.

The bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, was announced as next in order.

Mr. BURKETT. Mr. President, when that bill was last reached on the Calendar I asked that it might go over. I did so because I know something of the case, and I wish to say just a word about it. I think the bill ought to go over to a day when we can give it enough time to have the report read. This is a claim which has been standing for a long time. Congress did at one time appropriate a certain amount of money in full of this claim, and the money was accepted. This claim has also been before the courts in one form or another, and it has been thrown out there. Therefore it seems to me that we ought not to consider the bill until we can give it time enough to have the report read. I have not read the report, and I have not given the matter any attention for a number of months, or years, perhaps, but I know that that condition pertains, and I therefore ask that the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Nebraska.

#### H. A. ELDERD.

The bill (S. 2729) for the relief of H. A. Eldred was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and is hereby, authorized to negotiate with the allottee or allottees upon whose land the improvements heretofore made by H. E. Eldred, of Mendocino County, State of California, in the Round Valley Indian Reservation, have been placed, not to exceed 11 acres in area, for the sale of such land to the said H. E. Eldred upon terms to be agreed upon by the allottee or allottees and the said Eldred and to be approved by the Secretary of the Interior, and for the purpose of carrying out the provisions of this act, the restrictions, if any existing as to the alienation of any land in such allotments, are hereby removed, to the extent that said allottee or allottees may convey said 11 acres to the said Eldred.

SEC. 2. This act to take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to negotiate for the sale of certain Indian lands to H. E. Eldred."

#### INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to proceed to the consideration of House bill 15219, being the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The amendments reported by the committee will be considered from the beginning, the Senate

having reconsidered its action agreeing to the amendments extending to the amendment on page 6 of the bill.

The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, line 13, after the word "dollars," to insert "of which \$15,000 shall be immediately available," so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, \$75,000, of which \$15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Secretary," on page 3, line 1, after the word "purchase," to insert the following proviso:

*Provided, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided.*

Mr. TILLMAN. Mr. President, the other day, when this bill was taken up, I called attention to this remarkable provision, especially the words "and other works for irrigation." The whole provision is very loosely drawn, and as it is stretchable to almost any degree of Executive discretion and changes existing law, unless the chairman of the committee can give a very cogent reason why it should go in, I am going to make a point of order against the amendment.

Mr. CLAPP. Mr. President, I explained this matter the other day, but as some Senators are now here who were not here then, I shall make the explanation again. This is not a new feature in legislation. There are two classes of supplies which the Indian Office has to purchase. One is the regular supplies for the Indian schools and agencies, in relation to which there is a provision of law, that wherever the amount exceeds \$500 at any time notice also must be given. The Indian Office is also carrying out some irrigation plans on a small scale in connection with Indian reservations, and in the law making appropriations for the Indian service for the year ending June 30, 1908, there is found this provision:

*Provided, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising, as hereinbefore provided.*

For some reason, I do not undertake to say why, that provision was omitted from the bill as it came to the Senate from the House of Representatives, and at the suggestion of the Indian Office, the suggestion being found on page 8 of the report on this bill, the Senate committee inserted the provision. The language of the suggestion of the Department is as follows:

Authority has been conferred in the appropriation acts for twelve or fourteen years for the Secretary of the Interior to purchase supplies, let contracts, and employ labor for irrigation, and a similar provision was in the estimates.

This authority is of great convenience, especially in reservations remote from trade centers, as the laws governing this Office in procuring supplies and materials require that the advertising shall run for a period of three weeks. The present form of the provision seems to be what is needed.

I do not know that I care to add anything to that. It has been the law for some time. It was left out in the House bill, and the Senate committee inserted it partly because it had been the law and partly at the request of the Department.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the chairman of the committee this question: Has it been the custom in years past that the Secretary of the Interior has been allowed unlimited authority under the law for the letting of contracts for the construction of these irrigation works upon Indian reservations?

Mr. CLAPP. The first part of the Senator's question I was not able to hear.

Mr. CLARK of Wyoming. I ask for information whether or not it has been the custom for the law to provide that the Secretary of the Interior may go on with the construction of these large irrigation works on Indian reservations with no more restriction than is proposed in this amendment?

Mr. CLAPP. Substantially; yes.

Mr. CLARK of Wyoming. Well, does not the chairman of the committee think it would be well to limit the amount to some reasonable figure? Some of these irrigation works which we are now constructing on Indian reservations run up into the hundreds of thousands of dollars for an individual enterprise.

Mr. CLAPP. Yes.

Mr. CLARK of Wyoming. And does the chairman of the committee think that that discretion should be lodged absolutely

in the Secretary of the Interior? I suppose that it is inserted for the purpose of providing for the smaller contingencies of such works and the smaller expenses; but, as I read this amendment, there would be nothing in the world to prevent the Secretary from making all sorts of contracts, even up to the limit of the work provided by Congress.

Mr. CLAPP. I call the Senator's attention again to the fact that, while this provision appears in the bill as an amendment, it is simply a repetition of the provision which has heretofore existed, especially in the bill of last year. As to whether it is wise to give the Secretary that latitude is a question the Senate must determine. For myself, realizing that these enterprises are conducted, as a rule, at a distance from any center, frequently at some distance from any railroad station or depot, and that it is difficult to anticipate the amount which may be required—personally I would be in favor of giving the Secretary this latitude. It is, however, purely a question for the Senate.

Mr. CLARK of Wyoming. In view of the circumstances he has mentioned, would the Senator object to an amendment fixing a limit at \$10,000?

Mr. CLAPP. Personally I would not object; but I do not know whether it would embarrass the Department. We might fix that limit for the present, and if the Department feels that it would be thereby embarrassed, it could bring the matter specifically before us before the bill is finally passed. If the Senator desires to make the amendment, I will not interpose any objection.

Mr. TILLMAN. Mr. President, the fundamental question involved here is whether or not it is a wise governmental policy to put such discretion in the hands of any officer. I do not see the cogency of the argument that the remoteness of these works and the lack of facilities for publicity makes it necessary for the amendment proposed by the committee. There is no hurry. There is no life and death matter involved, and the safe and reasonable and customary method of advertising for bids can do no harm. Therefore, I do not think that after reflection the Senator from Wyoming will consider that even \$10,000 is a proper limit. The law as it is cited on the preceding page provides for advertising in contracts for anything exceeding \$500; and that has been the law time out of mind. If we put a bad provision in the bill last year, there is no reason why we should reenact it. Naturally, the Indian Department would like a free hand and be permitted to make contracts for supplies without any supervision. Do they make specific, definite, and detailed reports to anybody?

Mr. CLAPP. Certainly; they make reports to the Department showing the details of every expenditure. Nor must it be understood that this provision was only in the bill of last year. I have not the other laws before me. I have simply the statement, however, of the Department that it has been the law for a number of years.

Mr. TILLMAN. It is a little odd that, when the House in making up this bill, with the last year's appropriation bill before it, should see fit to strike this out, we should simply put it back because it had crept into the other appropriation bills. Therefore I will insist on the point of order that the amendment changes existing law and is likely to increase expenditures, and let the President rule on it.

Mr. CLAPP. I think the Senator is making a mistake. It would very much embarrass the Department.

Mr. TILLMAN. In what way?

Mr. CLAPP. We already concede a latitude to the Department, small though it be.

Mr. TILLMAN. Of \$500.

Mr. CLAPP. Yes.

Mr. TILLMAN. Do you want to concede them a latitude of \$500,000? That is what this would do.

Mr. CLAPP. Does the Senator say the amendment does that?

Mr. TILLMAN. Do you want to do that?

Mr. CLAPP. I am not making that point. I have agreed, so far as I am personally concerned, to the limitation of \$10,000; but if that is too much there should be, instead of striking this provision out and, no matter what the contingency might be, leaving the Department powerless to proceed until they advertised three weeks, we ought at least in this bill to give them as much latitude as we give them in the purchase of those supplies, the amount of which would be anticipated for months.

Mr. TILLMAN. This relates specifically to irrigation works, and irrigation works are very slow-motion affairs. They never get into a fever. There is not any exigency or emergency about them.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. TILLMAN. Certainly.

Mr. CLARK of Wyoming. I hope the Senator from South Carolina will not make the point of order, whether it be well or ill taken, for there are certain contingencies in which, in my judgment, the Secretary of the Interior should be allowed to act quickly. As the Senator in charge of the bill has stated, some of these works are in places remote from supplies, or remote from places where advertisement can promptly be resorted to. For instance, in case of a freshet washing away part of the irrigation work, where, in order to prevent further disaster, immediate action should be taken, I think that the Secretary should be allowed to expend more than \$500. I do not think, however, that he should be given unlimited control over the funds, and, therefore, I propose an amendment after the word "irrigation," in line 4, page 3, to insert, "not to exceed the sum of \$5,000 in any one purchase or contract." I can well imagine that there might be cases when the discretion of the Secretary ought to be exercised at once, and for that reason I offer the amendment.

Mr. TILLMAN. Well, \$5,000 is too much, but if the Senator from his knowledge of conditions and experience in such matters feels that that is essential, I do not want to obstruct any reasonable legislation here that will be in the interest of economy and of prompt action. Suppose the Senator puts it at \$2,000? That would stop lots of breaks in a ditch.

Mr. CLARK of Wyoming. It would not stop very many breaks very rapidly in large irrigation works.

Mr. TILLMAN. From what I saw out there they do not often break.

Mr. CLARK of Wyoming. The Senator is mistaken. They very often break, and it has occurred to me, Mr. President, that the Secretary might well be allowed to use his discretion within the limits proposed by my amendment.

Mr. TILLMAN. I yield to the superior discretion and wisdom of my friend from Wyoming.

The VICE-PRESIDENT. Does the Senator from South Carolina withdraw the point of order?

Mr. TILLMAN. I withdraw the point of order upon the understanding that the amendment offered by the Senator from Wyoming fixing the limit at \$5,000 goes in.

The VICE-PRESIDENT. The Senator from South Carolina withdraws his point of order. The Senator from Wyoming proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 4, in the committee amendment, after the word "irrigation," it is proposed to insert the words "not to exceed the sum of \$5,000 in any one purchase or contract."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 3, after line 8, to insert:

Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Office of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved.

Mr. GALLINGER. I will ask the Senator in charge of the bill if in line 11 it would not be better to insert the word "Commissioner" for "Office," so that it would read "under the jurisdiction of the Commissioner of Indian Affairs" instead of "under the jurisdiction of the Office of Indian Affairs." Would that not be better?

Mr. CLAPP. There would certainly be no objection to it.

Mr. GALLINGER. I suggest that change, Mr. President.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 11, after the words "of the," it is proposed to strike out the word "Office" and insert the word "Commissioner."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 3, after line 18, to insert:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of

establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed and delivered in like manner and with like effect as herein provided for other conveyances. And this provision shall apply to the Five Civilized Tribes.

Mr. TELLER. Mr. President, I want to ask the Senator who has this bill in charge whether the statement in the amendment is not rather too broad, and whether there should not be something to limit it. As I understand, it is intended to relate to tribal property, property in reservations, so that it shall not be applied to schools outside of reservation schools. I believe that is the intention of it, but it seems to me the terms are very broad.

Mr. CLAPP. There would be no objection whatever to making it more definite. This was an old law. It was passed some years ago. Afterwards it was amended so as not to take effect for one year after the dissolution of the tribal governments. Then the Department recommended that the original law be amended. By repealing the amending law it would have complicated the appearance of it, so the original law was reenacted. Now it reads:

Shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes.

Mr. TELLER. If the Senator who has the bill in charge thinks that is sufficiently limited, I do not wish to interfere.

Mr. CLAPP. I have no pride of opinion in the matter.

Mr. TELLER. I want the Senator's opinion that it is only confined to schools on the reservations and not intended to relate to those outside.

Mr. CLAPP. It was not intended to, and I do not think it could be so considered, so far as the words "governmental or other tribal purposes" are concerned. But I am perfectly willing to have language put in that will make it plainer, if the Senator will suggest it.

Mr. TELLER. With that understanding, I do not want to interfere with this wording.

Mr. OWEN. I move to strike out the words "governmental, school, or other."

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 20, in the committee amendment, it is proposed to strike out the words "governmental, school, or other," so that it will read:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for tribal purposes.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. TELLER. Mr. President, before this amendment is agreed to I will say that that will very materially change this provision.

Mr. CLAPP. Yes, and I think when it goes into operation the Senator from Oklahoma will very seriously regret having made the change. However, it affects his State more than any other, and I have no objection to it.

Mr. TELLER. Under the amendment which the Senator from Oklahoma proposes, if it should be agreed to, I think that the authority given later in this provision would enable the Secretary of the Interior to sell the property at Carlisle, Haskell, and other schools in several other sections of the country, which I do not believe we want to give him authority to do at this time.

Mr. OWEN. I simply made the suggestion to conform to the objection made that the language was too broad. It really being the purpose to confine it to the tribal property, I moved to strike out the other qualifying words, "thereby confining it to tribal property."

Mr. CLAPP. I suggest, Mr. President, if it would not meet every objection to simply strike out the word "governmental," so that it would read, "now or heretofore used for school or other tribal purposes."

Mr. OWEN. I ask the Senator from Minnesota if that would not include the Carlisle school?

Mr. CLAPP. Certainly not. Even leaving in the word "governmental," reading "for governmental, school, or other tribal purposes," I think it would exclude every Federal school anyway, and if we strike out the word "governmental" that would absolutely exclude Federal schools.

Mr. OWEN. If we use the word "tribal purposes" would it not include the schools?

Mr. CLAPP. No, sir.

Mr. OWEN. Is not that a tribal purpose?

Mr. CLAPP. Does the Senator mean as to his State?

Mr. OWEN. I mean as to any State. If this is intended to apply to tribal purposes only, why not confine the language to tribal purposes?

Mr. CLAPP. If the Senator from Oklahoma, whose State is most vitally interested in the passage of this provision, desires to strike out the word, for one I shall interpose no objection.

Mr. OWEN. I only want to ask the Senator what is the scope of the present language. If it includes some other buildings than tribal buildings I want to know what they are.

Mr. CLAPP. Under its present scope it would include anything—"governmental, school, or other tribal purposes."

Mr. OWEN. What are the things intended to be included?

Mr. CLAPP. I understand that the Creek Nation had a capitol building there which was used for tribal purposes.

Mr. OWEN. "Tribal purposes" would include that.

Mr. CLAPP. That would be included.

Mr. TELLER. Do you want to authorize the Secretary to sell that property?

Mr. OWEN. I have no objection to its being sold, if it is a part of the tribal property. I think it ought to be disposed of. But I think this clause ought to be limited in such way that the Secretary shall confine his operations with regard to these properties to the distinct contracts and agreements between the United States and the Five Civilized Tribes, or any other Indian tribes that may happen to be within the State of Oklahoma or any other State. I only suggest that because, if this language is intended to cover something else that does not clearly appear as under the term "tribal purposes," I want to know what it is?

Mr. TELLER. I do not know what is the intention of that provision. It is in the law now and has been—

Mr. CLAPP. It was first, so far as I recall, used with reference solely to the Indian Territory. I think it was in what is known as the "Five Civilized Tribes bill." It was section 15:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto.

Then that was amended afterwards by this proviso:

*Provided*, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes.

Now the Department asks—

To relieve this difficulty I respectfully ask that Senate bill No. 4644, to provide for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, be amended by adding a paragraph, which shall read:

"Sec. 10. That section 15 of the act entitled 'An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes,' approved April 26, 1906, shall become operative immediately upon the approval of this act."

To avoid the circumlocution of going back and amending the old law, the committee inserted in the bill this provision, which will, of course, become operative upon the approval of the act.

Mr. CURTIS. I want to state to the Senate that when the Commissioner was before the committee he suggested that this item was only intended to apply to tribal buildings located in that part of the country heretofore known as the "Indian Territory." But the committee thought it better to make it general.

Mr. TELLER. If that is so, it seems to me we ought specifically to limit it to that section. There is a very valuable school in Kansas. There are two very valuable schools in Colorado. I should not like to have them interfered with.

Mr. CURTIS. The Commissioner would not take charge of and sell the school in Kansas or the school in Pennsylvania so long as we continue to appropriate a year in advance and provide for the maintenance of the schools there; and so far as I am concerned, representing in part, as one of the Senators from that State, the great State of Kansas, I am not afraid of this provision applying to the Haskell School.

Mr. TELLER. I do not see any objection to this provision if it applies only to the schools on reservations, and I suggest that perhaps we had better put in, after "school," the words "on Indian reservations."

Mr. CLAPP. Does the Senator move that?

Mr. TELLER. I move that as an amendment.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment which will be stated.

The SECRETARY. After the word "purposes," in line 21, page 3, insert "on Indian reservations."

Mr. TELLER. Let it come in after the word "school."

Mr. OWEN. I should like to call the attention of the Senator from Colorado to the fact that the lands embraced in eastern Oklahoma, which formerly might have been called "reservations" are not reservations. They are a part of the State of Oklahoma, and they are owned by the citizens of the State of Oklahoma.

Mr. TELLER. That would not interfere with it at all?

Mr. OWEN. Yes; it would prevent the sale of those public buildings which are intended to be sold by this act, and to

which I have no objection. I only wanted to narrow the language so that it would apply only to those buildings which have heretofore been used for tribal purposes.

Mr. TELLER. I am perfectly willing to accept any amendment to my amendment that the Senator from Oklahoma will propose which will accomplish the purpose.

Mr. CURTIS. I suggest that if you add, after the word "buildings," in line 20, "in the eastern division of Oklahoma" the provision would then apply only to what was formerly the Indian Territory, and you could strike out the last part of line 11, and also line 12, on page 4. Then the item would apply only to buildings that are now located in that part of Oklahoma which formerly was in the Indian Territory.

Mr. OWEN. With the permission of the Senator from Colorado, I would suggest, therefore, the insertion, after the word "buildings," of an amendment to read:

On the lands formerly occupied by the late Five Civilized Tribes.

Mr. CURTIS. Why put in the word "late?"

Mr. OWEN. Because they are dead.

Mr. CURTIS. The law says they are not.

Mr. OWEN. The law is mistaken if it says so.

Mr. CURTIS. I do not agree with the Senator from Oklahoma on that proposition.

Mr. OWEN. I am ready to debate that with the Senator from Kansas.

The VICE-PRESIDENT. The Chair will call the attention of Senators to the fact that they must address the Chair before speaking.

Mr. CURTIS. I beg the Chair's pardon.

Mr. CLAPP. I do not believe Senators can improve any on this language—"used for governmental, school, or other tribal purposes." I have no objection to fixing it in any way Senators see fit.

Mr. TELLER. I should like to ask the Senator if he does not consider the school at Grand Junction, Colo., a governmental school?

Mr. CLAPP. Not in connection with the language "governmental, school, or other tribal purposes." It must relate to those schools that are associated with tribal governments.

Mr. TELLER. That might be the meaning, and yet somebody might think it meant something else.

Mr. CLAPP. I think the suggestion of the Senator from Colorado to use the words "on reservations," after "schools," or perhaps the suggestion of the Senator from Kansas to insert "in the eastern division of Oklahoma" would cover it beyond any question.

Mr. TELLER. Suppose you insert both?

Mr. CLAPP. Well.

Mr. GAMBLE. I suggest that an amendment be made in lines 11 and 12, page 4, by inserting:

And this provision shall apply solely to the property heretofore belonging to the Five Civilized Tribes.

Then it would confine it to the property and the tribes for which the original amendment is proposed by the committee.

Mr. TELLER. It would be entirely satisfactory to me to make that amendment, and I withdraw my amendment.

The VICE-PRESIDENT. The Senator from South Dakota proposes an amendment, which will be stated.

Mr. OWEN. Mr. President, I should like to know what disposition was made of the amendment proposed by the Senator from Oklahoma.

The VICE-PRESIDENT. Will the Senator from Oklahoma restate his proposed amendment?

Mr. OWEN. After the word "buildings" insert:

On the lands heretofore belonging to the late Five Civilized Tribes.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. On page 3 of the bill, line 20, after the word "buildings," it is proposed to insert:

On the lands heretofore belonging to the late Five Civilized Tribes.

Mr. LODGE. Mr. President, I know nothing of the merits of the controversy here as to the late Five Civilized Tribes or whether the word is appropriate, but the Senator from Kansas, who is very familiar with the subject, states that the tribes are still recognized as in existence by law. If that is the case, of course such language as this would be contradictory and out of place. I should like to have that point settled before we are called upon to vote on the amendment.

Mr. OWEN. Mr. President, I decline to leave out the word "late," and I am prepared to defend my amendment before the Senate.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. I move to amend the amendment by striking out the word "late."

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment to the amendment of the Senator from Oklahoma, which will be stated.

The SECRETARY. Before the words "Five Civilized Tribes" it is proposed to strike out the word "late."

Mr. OWEN obtained the floor.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. OWEN. Certainly.

Mr. CLAPP. I do not know whether it is the purpose of the Senator from Oklahoma to enter at length upon a discussion of the legal status of those tribes. I want to state to him—it may be entirely unnecessary—that at 2 o'clock the Senator from Kentucky [Mr. McCREARY] will take the floor, and the bill will be laid aside at that time.

Mr. OWEN. There is an abundance of time, I take it, to consider this question. It is an important question. It is an important question to me. Am I, a Senator of the United States, a member of a living Indian tribe, and under the supervisory control of the Secretary of the Interior?

Mr. CURTIS. Your property is under the control of the Secretary of the Interior, and you know it.

Mr. OWEN. I deny it.

Mr. CURTIS. Well, it is. The Supreme Court has so decided.

Mr. OWEN. The Senator from Kansas says that my property is under the control of the Secretary of the Interior.

Mr. CURTIS. I do not desire to make it that broad.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With great pleasure.

Mr. CURTIS. I mean the property you own as a member or as a former member—if you want to put it that way, I say now as a member—of the Cherokee tribe of Indians. The Secretary of the Interior has no interest in your property that you hold other than as a member of the Cherokee tribe, but as to the land you own as a member of the Cherokee tribe of Indians, under existing law, you are still under the control of the Secretary of the Interior. I think you ought not to be, but you are.

Mr. OWEN. I agree with the Senator from Kansas that I ought not to be. I disagree with him in his proposition that I am.

Mr. President, it is true that I was an adopted member of the late Cherokee tribe of Indians; that I was a member of that tribe by blood. It is also true that by the act of March 3, 1901—an act which I had the honor to write—every Indian in the Indian Territory was made a citizen of the United States, with all the rights, with all the privileges, with all of the immunities of any other citizen of the United States; not some of the rights, not some of the privileges, and not some of the immunities; and one of the rights of a citizen of the United States is that he shall have the free right of contract. That right did not depart from me merely because the Cherokee Nation, under an agreement with the United States, conveyed to me a so-called "allotment."

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With pleasure.

Mr. CURTIS. Did not the Senator from Oklahoma participate in the campaign that approved the agreement between the Cherokee Nation and the United States, and did not that—

Mr. OWEN. He might have done so, but did not.

Mr. CURTIS. And did not that agreement which your people adopted provide that the restrictions should be retained on your homestead for twenty-one years and should be retained on the surplus lands until five years after the date of the patent?

Mr. OWEN. I am quite content that the Senator from Kansas brings to the attention of the Senate this so-called agreement. It was an act of Congress which was passed on July 1, 1902. The act required the approval of the citizens of the United States, who at that time had certain property rights under the term "Cherokee Nation." They were no longer Indians. The Supreme Court of the United States has passed upon this question in the most elaborate review in the so-called "Albert Heff case."

Mr. CURTIS. Oh, Mr. President—

Mr. OWEN. I will not yield to further interruptions at this time.

Mr. CURTIS. I should like to ask the Senator a question.

Mr. OWEN. I decline to yield to further questions at this time.

The VICE-PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. OWEN. I will yield to the Senator from Kansas.

The VICE-PRESIDENT. The Senator from Oklahoma yields to the Senator from Kansas.

Mr. CURTIS. I have no question to ask the gentleman.

Mr. OWEN. By the act of July 1, 1902, these so-called "Cherokee Indians," who were then and there citizens of the United States holding certain property rights, it is true, agreed by their act confirming the act of Congress to the distribution of this property, making the United States the trustee for the distribution, and by that act it was expressly stipulated that the tribe itself should be made up as of the 1st of September, 1902. The property was to be distributed as of that date. The Cherokee Nation as of that date and now has no legislature. The Cherokee Nation has no executive department. The Cherokee Nation has no judiciary department. It has no function of government. Its laws can not be enforced in any forum. But nevertheless thereafter this so-called "government" was attempted to be revived by an act of Congress of March 3, 1906, by which the tribal government was nominally continued, there being no tribal government.

The phraseology which has been in use in the Department of the Interior for all these years when a tribe ceased to have a governmental function was "late tribe." They speak of the "late Delaware Indians." As United States Indian agent years and years ago, I used to make payments to the "late Delaware tribe," using that term to describe a community of people which still had tribal property, but which had no governmental function, and which had no life as a government. And therefore I say that while the law nominally continues these tribes, the true designation of the tribes is the "late Five Civilized Tribes," because they are no longer governments. They serve no longer a use. I think that this matter ought to be correctly written in our law. It ought not to appear here that the Five Civilized Tribes are really governments when in point of fact they do not exist as governments.

I do not introduce the word "late" in any arbitrary spirit. I do it because there is a vital distinction between a living governmental organism and a tribe which is dead and which is only used as a designation to describe a community of people who have certain undistributed property rights.

The United States was made trustee for the distribution of this property. It has now allotted nearly all of these lands. The allotments are almost complete. And why shall we go on with this fiction, speaking of this tribe as if it was a living governmental organism and as if it might afford protection to its citizens and demand allegiance from them? The Cherokee Nation can demand no allegiance from me. I owe the Cherokee Nation as a government no allegiance. The only allegiance on earth that I owe is to the Government of the United States and to the State of Oklahoma. I want this distinction clearly kept in mind, and I appeal to the Senate that my suggestion with reference to the word "late" is justified by precedents, is justified by good principles of law, and ought to be included in this language.

I do not want to take up the time of the Senate uselessly in discussing this matter. I say the Supreme Court has passed upon it. If it is necessary to show those decisions of the Supreme Court, I am prepared to do it. I do not want to take up the time with regard to it, but I shall insist that this is right—that the word "late" should be included.

Mr. CURTIS. Mr. President, I desired to interrupt the Senator from Oklahoma [Mr. OWEN] so that he might be able to make a correct statement to the Senate as to the position of the Five Civilized Tribes and that he might distinguish between the decision of the Supreme Court in the Heff case and other decisions; but he did not care to yield for the question. The distinguished Senator says that as an agent he paid the Delawares as "late" Delawares. Why not tell the Senate how it happened? When he made that payment to the Delawares they had been swallowed up by the Cherokee tribe, of which he is a member, and so far as the Delawares were concerned they were out of business and were then a part of the Cherokee tribe. That is why he paid them as the "late" Delaware Indians.

The distinguished Senator from Oklahoma is too good a lawyer to claim for one minute that the Heff case affected in any degree the property rights of the Indian. I have here a decision in the case of McKay v. Agnes Kalyton, by Louis Kalyton, her guardian, reported in 204 United States Supreme Court, in which the court holds that the Government of the United States continues to control the lands of the Indians until the expiration of the trust period, just as I claim it controls the lands of the Indians in that part of Oklahoma formerly the Indian Territory, until the restrictions are removed, or until the ex-

piration of the restriction period, and Congress has full control over their property until that time. The Supreme Court so holds in this case, and it refers to the decision in the Rickert case with approval. Here is what they say about the Heff case, and if the distinguished Senator from Oklahoma has not read it, I submit it to him for his careful consideration:

Nor are the principles which were thus announced as to the nature and character of an allotment of Indian lands and the interest of the United States therein as trustee before the expiration of the period for their final disposition in any way affected by the decision in the matter of Heff (197 U. S., 488), dealing with the subjection of allottee Indians in their personal conduct to the police regulations of the State of which they had become citizens.

That is what the Supreme Court decided in that case.

The Heff case applied only to the person and to the police regulations of the State and not to the property of the Indians.

It is true that Congress fixed a time for the expiration of the tribal governments in Oklahoma—the Five Civilized Tribes. But before that time arrived Congress, as it had a right to do, passed a joint resolution extending the life of the Five Civilized Tribes, and the Five Civilized Tribes are still in existence. They have their chiefs. They have their councils. Those chiefs must sign the patents or deeds to the land allotted to the members of the tribe. It was extended by a joint resolution, and so far as concerns the lands owned by the distinguished Senator from Oklahoma which he derived from the Cherokee Nation, they are still under the control of the Secretary of the Interior, unless he has had the restrictions removed. Under the law he has a right to file an application to have those restrictions removed, and there is a law, which has not been decided unconstitutional, prohibiting the full bloods of the very tribe to which the distinguished Senator belongs from selling their lands for twenty-five years.

The Government still has control of those lands, and I think it would be a very serious mistake for the Senate to say that the joint resolution it passed on the 2d of March amounted to nothing by declaring that the Five Civilized Tribes are "late" tribes. The joint resolution to which I call the attention of the Senate is as follows:

*Resolved, etc.,* That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes unless hereafter otherwise provided by law.

That is the law of the land to-day, and it applies to the Five Civilized Tribes, and the Five Civilized Tribes are in existence as much to-day as they ever were, except the acts of their legislature must be approved by the President.

Mr. OWEN. Mr. President, as I may have seemed somewhat discourteous to the Senator from Kansas in not yielding promptly to a question when I wanted to make an argument a while ago, I took some pains not to interrupt him and now express my sincere regret at any apparent lack of consideration.

The Senator from Kansas lays great stress upon the reason for the use of the term "late Delaware tribe," because they were absorbed by the Cherokee Nation. Quite right; the argument is sound, and applies with equal force to the Cherokee Nation, whose citizenship has been absorbed by Oklahoma absolutely.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I will yield.

Mr. CURTIS. Not absorbed in the same way. The lands have not been absorbed. The Delawares, when they bought into the Cherokee Nation, bought simply the right to participate as members of the tribe.

Mr. OWEN. And the Cherokee people, when they became citizens of Oklahoma, owed their allegiance to Oklahoma. Oklahoma has control of their property, of their lives, and may take their lives under the law of Oklahoma. Oklahoma is the sovereign over the Cherokee individuals who formerly were Cherokee citizens, but who are now citizens of Oklahoma.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield?

Mr. OWEN. I yield.

Mr. CURTIS. The distinguished Senator will admit that Oklahoma has no right to tax the lands of the civilized tribes that were exempt by the agreements with them.

Mr. OWEN. I emphatically deny the proposition.

Mr. CURTIS. The Supreme Court decided that very point in the Rickerts case; that is, that States had no right to tax property during the restriction period.

Mr. OWEN. Mr. President, there is a distinction between the citizens of the five tribes and the citizens of Indian blood

in Kansas, and I wish to call the attention of the Senator from Kansas to that distinction. The distinction is this: When the Kickapoos of Kansas were allotted they were aliens, they were not citizens of Kansas. The United States dealt with them as aliens and as wards, and the United States did have a supervisory control of them.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Does not the Senator from Oklahoma know that under the very act by which they were allotted a man who had become a citizen of the United States might be allotted? Does not the Senator know that the very act that he secured the amendment to, the act of 1887, provided that if a man left the reservation and became a citizen of the United States he did not lose his right to the tribal property?

Mr. OWEN. Yes; but that does not affect the argument. The argument which I make is that while United States citizens may be given these privileges, the decision of the court to which the Senator appeals goes to the individual who was an alien and who received his citizenship after he had received a grant of land with that condition attached to it.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. Certainly.

Mr. CARTER. Mr. President, I was in sympathy with the declaration of the Senator from Oklahoma to the effect that he did not consider himself under the control of the Secretary of the Interior.

Mr. OWEN. I said it very deferentially.

Mr. CARTER. Such control would have been more odious in former days than at present, but it is intolerable at any time in so far as the Senator is concerned.

I desire now to point out to the Senator from Oklahoma and likewise to the Senator from Kansas what I conceive to be a clear misunderstanding, both being right, but not understanding each other. That apparently paradoxical condition seems to me to present the case fully.

The Senator from Oklahoma says that by virtue of certain acts of Congress the members of the Five Civilized Tribes became full and unquestionable citizens of the United States and are such now. That is a personal status, and with that status the Senator from Kansas does not take issue at all.

On the other hand, I think the Senator from Oklahoma will admit that in so far as the members of the Five Civilized Tribes received property, which had theretofore been held in common, they received the realty subject to conditions, and the conditions run with the title and do not affect the citizenship of the individual owning the land except to the extent of the limitation upon his action with reference to particular property.

Now, is the case different from this? A lot of land may be purchased by a citizen in the District of Columbia, the original owner fixing to the title of that property a restriction to the effect that intoxicating liquors shall never be sold upon the premises. That restriction does apply to certain lands in the District of Columbia to-day. The purchaser of a lot of land subject to that restriction does not lose his citizenship of the United States, but he buys the land subject to the restriction attached to the title. I ask the Senator if that is not the case with reference to citizenship and former tribal property in Oklahoma in so far as these tribes are concerned?

Mr. OWEN. It is not.

Mr. CARTER. I shall be glad to have the Senator point out the difference.

Mr. OWEN. I shall explain it to the Senator. I thank him for the effort to elucidate the differences between the Senator from Kansas and the Senator from Oklahoma. His intention was good, and what he says applies with force and is right in other cases than the one which I am now about to present.

The difference is that when this agreement in 1902 was made between the so-called "Cherokee tribe" and the United States it was not made, in fact, with a lot of Indians nor with an Indian government; it was made with a certain number of United States citizens, armed with all the rights, privileges, and immunities of citizenship. They were citizens of the United States. I wish particularly to exclude the idea of Indian when you consider this matter, because there is no Indian within the meaning of the law in the limits of the Five Civilized Tribes. An Indian, under the law, means a ward. An Indian means a subordinate under the law. It means an alien under the law. Am I an alien?

I will discuss the Senator's question, Mr. President. I will not forget the distinction he makes, and I will answer it. But

now I call your attention to the fact that there was no Indian within the limits of the Five Civilized Tribes when this contract between the United States and the Five Civilized Tribes was made.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield.

Mr. CURTIS. You admit, do you not, that there was a tribe of Cherokees there?

Mr. OWEN. No; I admit nothing of the kind.

Mr. CURTIS. You admit, do you not, that they had property—money and land?

Mr. OWEN. Certainly I do.

Mr. CURTIS. Who had the money and land if the tribe did not have it?

Mr. OWEN. There was no tribe. They were United States citizens and were not a tribe.

Mr. CURTIS. Mr. President, were they not known as a tribe?

Mr. OWEN. It is that error of designation I am trying now to correct.

Mr. GORE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to his colleague?

Mr. OWEN. With pleasure.

Mr. GORE. I merely desire to suggest it might be well for the Senate to recognize the belligerent rights of these two Indians. [Laughter.]

Mr. OWEN. Mr. President, I was not an alien in the year of our Lord 1902. I was a full citizen of the United States, and I had no more rights as a citizen of the United States than did any other man who belonged to the so-called and pretended tribe of Cherokee Indians. There was no tribe and there was no Indian within the meaning of the law, because an Indian is an alien.

Mr. CURTIS. That can not be so, Mr. President.

Mr. OWEN. It is so, and the Senator from Kansas can never deny a truth so patent.

Mr. CURTIS. The Supreme Court say—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With pleasure.

Mr. CURTIS. The act of 1887 recognizes that an Indian may become a citizen of the United States and enjoy all the rights and privileges and still be a member of his tribe.

Mr. OWEN. Yes; in the Albert Heff case John Butler was a Kickapoo Indian and a member of his tribe, and the United States undertook to assume jurisdiction over his appetite for liquor while the State of Kansas had jurisdiction over his person otherwise; and the interesting distinction was brought about that it was necessary and essential in order to have both jurisdictions to vest, that the aforesaid John Butler should be separated for the purposes of the State courts as to his person from the aforesaid appetite for intoxicating liquor for Federal purposes—[laughter]—a distinction which shows the absurdity of the contention of the Senator from Kansas. John Butler was subject to the laws in Kansas; he owed allegiance to the laws of Kansas which had jurisdiction over his life and over his property; and the only benefit of keeping John Butler a member of the Kickapoo tribe is to pay the salary of the Indian agent, who is a holder of office.

Mr. CURTIS. Oh, Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Yes; I yield.

Mr. CURTIS. You do not have to yield.

Mr. OWEN. I will yield.

Mr. CURTIS. Mr. President, the distinguished Senator from Oklahoma referred to the Heff case. He knows that was applied to the police powers of the State. He knows also that the Supreme Court has decided that the allottee, who may become a citizen of the United States by that allotment and enjoy all the rights and privileges, still holds his land as a member of the tribe, subject to the restrictions placed thereon by the act giving him the land. I have not contended that Congress was trying to exercise any right over the individual, but that Congress has the right to control his property until the restrictions are removed.

Mr. OWEN. I am sure that the Senator from Kansas, Mr. President, believes that Congress has the right to control my property, but the Senator from Kansas is mistaken with regard to it, because if I have the right of contract I can give away my property.

I want to call the attention of the Senator from Montana to

the distinction. I agree with the Senator from Kansas that when I receive a limited title forbidding me by act of the grantor to divest myself of the legal fee for five years, the legal fee will remain vested in me for five years; but what I call your attention to now is the vital distinction in this case. If I am a free man, if I am a citizen of the United States, with all the rights, privileges, and immunities of citizenship, I can dispose of my equity and I can give my bond for title, and there is no power in the Federal Government to stop it.

#### AMENDMENT OF THE NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3023.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. McCREARY. Mr. President, the last panic, with its disastrous consequences, depreciated values, stoppage of industrial and commercial development, and enforced idleness, came suddenly and at a time when people were prosperous and when the Government in its resources, the banks in their affairs, and business in its activities never seemed sounder and stronger. Some persons say we faced a crisis unequalled in our history, and the distinguished chairman of the Committee on Finance [Mr. ALDRICH], who reported the bill now under consideration, said:

The financial crisis from which the country has just emerged, which terminated in a serious panic in October, was the most acute and destructive in its consequences of any which has occurred in the history of the country.

There has never been a monetary system in our country which was entirely free from financial disturbances. There were financial panics in 1837 and in 1857 and in 1873 and in 1893, but the conditions at the time each of these panics occurred were entirely different from the conditions which preceded the late panic.

The amount of money in actual circulation in our country is greater per capita than in any other commercial country in the world, except France, where business conditions are very different from ours and where business is done largely upon bank notes instead of upon bank credits, as in our country. In 1907, just previous to the commencement of the panic, the amount of money in circulation in the United States outside of the Treasury was \$2,805,854,374, or \$34 per capita, being the largest amount per capita up to that time in the history of our country, and nearly double what it was in 1896. We have twice as much money per capita as Great Britain, seven times as much as Japan, four times as much as Russia, and \$7 per capita more than Germany. Six thousand six hundred national banks held \$1,106,500,000, and 11,000 State banks and trust companies held a large part of the remainder. Deposits in our national banks, State banks, savings banks, and trust companies had increased, in round numbers, from five billions to thirteen billions. I might also state, to show the remarkable condition of the crops of the country, that in 1907 there were 13,500,000 bales of cotton produced, which sold at an average of 12 cents per pound, being the largest number of bales ever produced in the Southern States in one year, and there were produced in the United States 735,000,000 bushels of wheat, and all other farm products were produced in 1907 in the same abundance; and when the panic broke upon the country we were enjoying unrivaled prosperity, and all the products of the fields, factories, and mines were selling for the highest prices they had commanded in many years.

#### THE PANIC.

The wonder of the times, therefore, is, What produced the panic? I should say the panic was produced by overtrading, unbounded speculation, unlimited gambling in stocks, hazardous business enterprises, combinations and consolidations that enriched the promoters and impoverished the people and destroyed public confidence, and caused money to be hoarded, and made depositors withhold money and withdraw money from the banks because afraid of the banks, and made banks withhold money and refuse to pay it out because afraid of depositors, and because, in many instances, their part of the reserves had been sent to eastern cities and were not available.

There were never in the history of our country more heroic efforts made to avert or lighten the disastrous effects of a panic than were made in the last three months of the year 1907.

The Secretary of the Treasury deposited in banks of New York, and other banks, \$70,000,000. Clearing-house certificates were issued to about \$190,000,000, pay checks were issued by banks and individuals amounting to \$75,000,000, enlargement of bank-note circulation took place amounting to \$94,000,000, importations of gold, resulting in an enlarged issue of gold cer-

tificates amounting to \$66,000,000, making an increase in the amount of currency and substitutes for currency amounting to nearly \$500,000,000. This increase of currency and prompt and courageous action of New York bankers in helping banks that were assailed stopped the panic and saved the country from a serious and ruinous crisis.

#### DUTY OF CONGRESS.

Mr. President, I believe it is the imperative duty of Congress to provide some means of avoiding or meeting successfully another financial panic. There are still traces of the panic of 1907. While general conditions have improved and hoarded money is again in the usual channels, there is still anxiety and disquiet in financial and industrial circles, and prompt and satisfactory action by Congress will be of immense benefit in every part of our country.

I do not believe we should at present undertake to revise the whole monetary system of the United States. This is the worst possible time to undertake such a task. Our financial system should be reformed when everything is normal and satisfactory, and not when we have just emerged from the dangers of a financial revolution. Any very radical change at this time might bring serious injury. In the future and at another session of Congress, when times are propitious, I believe there should be a revision of our entire monetary system.

I am not in favor of the proposition advocated by some persons to establish a great central bank of issue, such as they have in England, France, and Germany. Neither am I in favor of the bill presented by the American Bankers' Association or of the bill known as the "Fowler bill." This bill in its entirety provides for the early retirement of all bond-secured currency and, at a later period, for the retirement of all Treasury notes, and in their stead would provide, under certain restrictions, for the issue of "national-bank guaranteed credit notes" through the respective national banks up to the amount of their paid-in capital, and for further issue, if recommended by the board of managers of the respective redemption districts. While there are other objections to this bill, it is such a complete revision of our monetary system that it is objectionable at this time. I shall not, however, consume time by attempting to discuss these financial measures.

#### FIVE HUNDRED MILLIONS OF DOLLARS OF UNITED STATES NOTES.

The expedient resorted to by the Secretary of the Treasury, by financial institutions, and by individuals to increase the volume of currency in the panic of 1907 furnishes a good object lesson and suggests legislation to authorize additional notes to be used in emergencies. I believe that the authorized issue should be in United States notes instead of national-bank notes. According to my old-fashioned Democratic belief, it is the constitutional function of the Government of the United States to issue money to be used by the people. We depend upon the Government and not upon the banks to uphold our currency, and the bank note has its present value because the United States is behind it. Therefore in emergencies United States notes and not bank notes should be provided. Albert Gallatin, who was Secretary of the Treasury for two terms under Jefferson and also under Madison, said:

The right of issuing paper money as currency, like that of issuing gold and silver coins, belongs exclusively to the nation, and can not be claimed by any individual.

Thomas Jefferson and Andrew Jackson upheld the doctrine that our money should be gold and silver and paper money, issued by the Government.

To express my views more at length, I am in favor of a bond-secured emergency currency with an interest charge sufficiently high to compel contraction of such issue after the emergency has passed. I believe that whenever, in the judgment of the Secretary of the Treasury, business conditions require it, he should deposit in national banks and in State banks and savings banks \$500,000,000, or so much thereof as may be deemed necessary and proper, the deposits to be apportioned among the several States in accordance with their population, and the Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept as security for the deposits United States bonds, State bonds, county or municipal bonds, and the Secretary of the Treasury shall immediately cause to be prepared United States notes to the extent of \$500,000,000, and these notes shall possess all the legal qualities and be uniform in all respects with United States notes now outstanding, and each bank receiving deposits shall pay interest monthly at the rate of one-half of 1 per cent per month for the first six months, and at the rate of three-fourths of 1 per cent thereafter, as set forth in the substitute offered by the Senator from Texas [Mr. BAILEY] for the bill now under consideration.

There are now in circulation \$350,000,000 of Treasury notes not costing the Government anything and performing all the

functions of money, and these could be added to the \$500,000,000 emergency currency without in any way disturbing our monetary system.

If use is made of the Treasury for the solution of the currency question, it may be again asserted, as it has already been asserted, that the Government will be put into the banking business. The Government is already heavily in the banking business. It is the custodian of coin and bullion against which it has issued its warehouse receipts for both gold and silver, and which are known as "certificates." It also has outstanding notes, those of 1890, for purchase of silver bullion, and also the greenbacks, against which the reserve fund of \$150,000,000 was provided as an earnest of the intention to redeem them in gold upon demand. It therefore is in the position of being a depository with notes outstanding. It is also a large lender of money. This is shown by the \$245,000,000 deposited with the national banks throughout the country subject to call, and these deposits are nothing more nor less than loans to the banks.

Mr. President, I have shown what I am in favor of as regards furnishing an emergency currency. The bill under consideration, reported by the majority of the Committee on Finance, seeks to provide a currency to meet an emergency like that which lately occurred. I have great respect for the Senators who compose that committee, and, while I agree with the minority of the committee, I can not say that the bill, as reported by the majority of the committee, if enacted into law, would be valueless in time of financial depression, or that it would fail to accomplish at least a part of the results for which the chairman so forcibly contended. This bill provides for a possible issue in emergencies of five hundred millions of national-bank notes redeemable by the United States in lawful money upon presentation at the Treasury.

They are to be issued to any applying association if, in the judgment of the Secretary of the Treasury, business conditions in the particular locality of the bank demand additional circulation, and for the security of the Government the banks are required to deposit in the Treasury State bonds, county bonds, municipal bonds, or first-mortgage bonds of any railroad company which has paid dividends of not less than 4 per cent per annum regularly for a period of not less than five years previous to the deposit of the bonds. Some of the important objections to the bill are that it relinquishes the sovereign right of the United States Government to issue and circulate money.

It greatly enlarges the power of national banks, which, already, under existing law, have the power to take out additional circulation in the form of national-bank notes to the amount of hundreds of millions of dollars. It discriminates against United States bonds, and they are not permitted to be used as a basis for emergency currency notes, while this privilege is given to railroad bonds. I do not believe that railroad bonds should have this public function, but that United States bonds should have it, and other bonds provided for as already referred to by me.

The requirement as to railroad bonds, mentioned in the Aldrich bill, that the railroad issuing them must have paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds, discriminates in favor of the railroads of the East. I know of no railroads in the South that pay dividends as provided in this bill. There may be such roads, but I have seen no report that indicates such railroads.

Besides, the Secretary of the Treasury would have great difficulty in determining the value of railroad bonds. Their value often fluctuates. The value of nearly all railroad bonds has been reduced in the last few months.

Another strong point in opposition to national-bank currency being used as emergency currency is national-bank currency can not be successfully employed as emergency currency because it can not be ordered, printed, signed, and placed in circulation rapidly enough to check or prevent a panic. Panics develop rapidly and quick and decisive action at the beginning of the financial disturbance is absolutely demanded. The Government currency is the best emergency currency, and it should be printed and stored in large quantities ready to be issued when Government bonds, State, county, or municipal bonds are presented according to law. This kind of currency will help to restore confidence, and I may say in this connection that clearing-house certificates and pay checks issued during the recent panic were viewed as signals of distress, and they disturbed confidence and increased the alarm and caused lawful money to be withdrawn from circulation.

The bill under consideration has aroused opposition in various financial circles. A joint meeting of the council of administration of the American Bankers' Association and the legisla-

tive committee of that body, held at the Union League Club, New York City, January 27, 1908, put the organization on record as disapproving the provisions of the Aldrich financial bill, and this is the resolution which was concurred in by the chairmen of the individual groups of the association in every county of the State:

*Resolved*, That the bankers of the State of New York unequivocally disapprove of the provisions of the Aldrich bill; that they do not approve of a bond-secured emergency currency; that they demand an elastic currency based on bank assets, as provided in the measure of the currency commission of the American Bankers' Association.

The committee on bankruptcy and commercial law of the Merchants' Association of New York made a report against the bill to amend the national banking laws introduced by Senator Aldrich, and among the resolutions approved by unanimous vote of the board of directors is the following:

The high tax which this bill proposes to levy upon the issue of emergency currency, and which, in the last analysis, would be paid by the borrower to the banks, when increased, as it would be in practice, at least one-third by reserve requirements, is not only unnecessary but oppressive; and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another.

The committee further declared that—

It is the unanimous opinion of your committee, as evidenced by the signatures hereto, that rather than accept legislation of the character of the Aldrich bill, which we feel in its ultimate results will be most disastrous to the commercial interests of the country, it would be preferable to have no legislation at all, in spite of the manifest necessity of some relief of the present intolerable situation.

The Trades' League of Philadelphia adopted February 13, 1908, resolutions reported by a special committee on banking and currency, as follows:

*Resolved*, That the Trades' League of Philadelphia is unalterably opposed to the passage of the Aldrich currency bill, for the reason that it provides for additional bond-secured currency based on a deposit of State, municipal, and railroad bonds, which the country banks do not generally possess, and imposing a rate of interest which few commercial banks can afford to pay, thereby creating a fictitious value for certain bonds, favoring special financial interests, and ignoring the agricultural, manufacturing, and commercial needs of the country.

#### NATIONAL BANKS.

My desire to have United States notes instead of national bank notes for emergency currency is not prompted by prejudice against national banks. The plan I am advocating makes national banks important factors in the emergency currency problem, for it authorizes national banks to obtain United States notes by depositing in the United States Treasury proper collateral.

I have no sympathy with those who try to discredit national banks. Neither do I indorse the statement made by some persons that the national banking system was conceived and established by Secretary of the Treasury Chase simply to raise money by the sale of United States bonds during the civil war. Any person who will study the origin and history of national banks will be convinced that while Secretary Chase desired to raise money by the sale of United States bonds, his first object was to have a safe, sound, and uniform currency that would circulate at par, not only during the war, but also in time of peace in all sections of the country; and the fact that national banks have lasted forty-five years, through Democratic as well as Republican administrations, proves that the plan he formulated has given reasonable satisfaction. If the national-bank system had not been reasonably satisfactory one party or the other would have tried to repeal it.

There are now nearly 7,000 national banks in the United States with a capital of about \$800,000,000 and deposits of thirteen hundred millions of dollars. This system has helped to maintain sound money and unquestioned credit at home and abroad.

When the act of March 14, 1900, authorizing the conversion of 3 per cent, 4 per cent, and 5 per cent bonds into 2 per cent consols, of which there have been issued \$595,000,000 worth, there was doubt and apprehension on the part of financiers, Congressmen, and Government officials as to the ability of the Government to sell at par bonds bearing a rate of interest so low as 2 per cent, and the financial world was surprised when these bonds were sold at a premium, and I know of no other nation that maintains so low a rate of interest on its securities as this. The magnificent result to which I have referred could not have been attained if it had not been for the generous support of the national banks, and they have been of great benefit to the borrowers in reducing the rate of interest on loans and in reducing annual interest charges of the Government. In 1864 the annual interest charge of the Government amounted, in round numbers, to \$53,000,000, while in 1907 it was but \$24,000,000. This reduction, of necessity, greatly aided the United States Government in placing its securities on more

favorable terms than any other nation. A conspicuous instance occurred but recently, when Secretary Cortelyou sold United States 2 per cent Panama bonds at 104, while New York City 6 per cent bonds sold at only 104 and a fraction.

#### BANK RESERVES.

In providing a remedy for future panics, I believe we should also strive to eradicate, as far as possible, the cause or causes which helped to produce the late financial disturbance or panic. I believe that one of the most important causes of the late panic was that too small a percentage of the legal bank reserves were held in the banks to which the reserves belonged. The national-bank act provides that the banks in the small cities and towns shall retain 15 per cent of their deposits as a reserve, and the larger banks in the larger cities, known as "reserve cities," are required to keep 25 per cent of their deposits as a reserve. The act also provides that a bank not in a reserve city may deposit three-fifths of its lawful reserve in a bank in a reserve center, retaining only two-fifths in its own vault.

To state it in another way, a bank in one city can not loan its lawful reserve to its customers in that city, but it can deposit three-fifths of it in a bank in New York City and get interest on it at 2 or 3 per cent. In the spring and summer of last year, when there was no special demand for money in the South, the banks in that section of the country sent a large part of their reserves to the reserve banks in New York City, because they could get interest, and when the time came to move the crops in the fall, when money was needed and the New York bankers could not respond and arbitrarily refused to pay currency to their customers, and three-fifths of the reserves of banks were locked up or not obtainable, the people became alarmed and withdrew their deposits as fast as possible, and hundreds of millions of dollars were hoarded and taken out of circulation when most needed in the channels of business and trade, and this system of country banks depositing most of their reserves in New York City and other cities where there are central reserve banks greatly helped to precipitate the recent panic. The reserve banks had with their reserve agents, the central reserve banks, August 22, 1907, \$194,000,000 of their legal reserve and the country banks had with their reserve agents, the reserve and central reserve banks, \$420,000,000 of their legal reserve, aggregating \$614,000,000, and the national banks of New York City at that time held \$213,000,000 of the reserve of other banks, and it has been stated that when during the panic urgent demands were made by the country banks for their reserve the New York City banks sent only \$10,820,511, or about 5 per cent, in liquidation of their reserve indebtedness.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. McCREARY. Certainly.

Mr. CLAPP. It is not asked in any spirit of criticism, but for the purpose of information. Can the Senator state what proportion of the money held by the New York banks, say on the 1st of October, consisted of or was within the limit of the reserve loans deposited there?

Mr. McCREARY. I have stated that, but I will refer to it again.

Mr. CLAPP. Not the amount of reserves, but what proportion they bore to the total amount that the outside banks had on deposit in New York at that time.

Mr. McCREARY. The national banks of New York City at that time held \$213,000,000 of reserve of other banks.

If this reserve money, or the greater part of it, had been kept at home in the vaults of the banks in which it belonged there would have been millions of ready cash available, and country banks would not have been forced to pay only small amounts across their counters and deny to their customers money to move the crops, for reserves are held not only as a guaranty of solvency, but in emergencies and times of stress I doubt not that reserves may, at least in part, be used to pay depositors.

I regret that the Senator from Rhode Island [Mr. ALDRICH] eliminated from his original bill the provision requiring national banks to hold at least three-fifths of their reserve in their own vaults. This was a wise and, I think, much-needed provision. I shall vote for the amendment now pending to require national banks to keep in their own vaults at least two-thirds of the reserve which the law now requires them to hold, and in no case allow them to keep more than one-third of such reserve with their reserve agent or agents.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. BOURNE in the chair). Does the Senator from Kentucky yield to the Senator from Utah?

Mr. McCREARY. I do.

Mr. SMOOT. I should like to ask the Senator if his idea is

to have the banks outside of reserve cities carry two-thirds or 10 per cent of their reserves in their vaults in lawful money of the United States.

Mr. McCREARY. I thought I had answered that question very clearly.

Mr. SMOOT. That is the position that the Senator takes?

Mr. McCREARY. I am in favor of an amendment which is now pending to require national banks to keep in their vaults at least two-thirds of the reserve that the law now requires them to hold, in no case allowing them to keep more than one-third of such reserve with their reserve agent or agents.

Mr. SMOOT. I understood that to be the position the Senator has taken, but is he not aware of the fact that if that is required it will lock up a great deal of money that is now in circulation? And not only would it lock it up, but there is not money enough to comply with such a law.

Mr. McCREARY. I believe that the amount of what we call "reserve" sent to New York and other places when not needed, and which could not be obtained by the banks when it was needed for moving the crops, helped very much to bring on the panic.

Mr. SMOOT. I believe, Mr. President, that that is correct, so far as that is concerned; but I believe if the Senator studies carefully the provision he now speaks of he will see that it would be impossible to enforce it with the amount of money we have in circulation to-day. I am in full sympathy with the Senator in seeking to require a greater deposit in the banks outside of reserve cities, and I should like to see 20 per cent instead of 15 per cent required; but I do believe the proper way to do that is to require them to keep the bonds as provided in this bill instead of tying up the money in their safes and thereby withdrawing it from business and circulation.

Mr. McCREARY. I do not believe the existing law requires the national banks to keep in their vaults a sufficient amount of their reserve. Therefore, as I said before, I am in favor of an amendment requiring the national banks to keep in their own vaults at least two-thirds of the reserve which the law now requires them to hold, in no case allowing them to keep more than one-third of such reserve with their reserve agent or agents.

#### INTEREST ON DEPOSITS.

Mr. President, I am in favor of amending the national banking laws so as to require the Secretary of the Treasury, in distributing the deposits of public money in national-bank depositories, to make the distribution according to population as shown by the last census, and I am in favor also of requiring the banks receiving such deposits to pay to the Government of the United States interest on the deposits at a rate not less than 2 per cent per annum nor more than 4 per cent per annum.

The act of March 4, 1907, required the Secretary of the Treasury to distribute all public money as equitably as possible among the different States and sections of the United States. The distribution does not appear to have been made as equitably and impartially as might have been, the eastern banks, and particularly banks in New York, receiving considerably more than they were entitled to. The strain on the southern and western banks would have been much less severe during the last financial disturbance if the deposits had been equitably and fairly distributed, as required by law. I have read the reports of the Comptroller of the Currency and the answer of the Secretary of the Treasury to criticisms and demands for information made in this Chamber, and I believe the attention which has been given by the Senate to this subject will be in the interest of an equitable distribution of the public deposits in the future. If the public money is not equitably distributed, the law should be so amended as to compel an equitable distribution of the public deposits among the different States.

In many of the States banks receiving deposits of State money pay interest on the amount deposited. The same rule should apply when the United States Government deposits Government money. There are \$245,000,000 of public money now in these depositories without interest, and banks receiving money loan it to the people for a good rate of interest, usually 6 per cent. In this way they make a large profit. The deposits, of course, are subject to the call of the Treasury Department, but so is a large part of the money deposited by private customers. These depositories are also fiscal agents of the Government, and the distribution helps them in business and makes such banks more conspicuous. They should be required to pay at least 2 per cent on the public money deposited.

Mr. President, I regret as much as any person the panic which has now gone into history as the panic of 1907, and I am ready to do all in my power to prevent or guard against another panic. Experience in the last crisis shows necessity for wise and remedial legislation by Congress. It has been well said—

Our country has a banking power and wealth of resources and a volume of commercial industry equal to all the commercial world besides.

We should strive to advance all the interests of our country and lift it to a higher eminence than it has ever occupied before.

#### TRACK CONNECTION WITH THE WASHINGTON NAVY-YARD.

Mr. CARTER. Mr. President, I ask for the present consideration of Senate bill 3976.

Mr. CLAPP. Just one moment, Mr. President.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. CLAPP. I think the bill now under consideration ought to be temporarily laid aside, and I make that request.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the unfinished business may be temporarily laid aside. Without objection, it is so ordered. The bill for which the Senator from Montana [Mr. CARTER] asks consideration will now be stated by title.

The SECRETARY. A bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.

Mr. CARTER. Mr. President, there is a motion pending to reconsider the vote by which that bill was passed. I now move that the votes by which the bill was ordered to a third reading, read the third time, and passed be reconsidered.

The motion was agreed to, and the Senate resumed the consideration of the bill.

Mr. CARTER. Mr. President, this bill is a substitute for a bill introduced at the request of the Secretary of the Navy. The original bill extended for two years the time for the removal of the tracks from certain streets in the vicinity of the Washington Navy-Yard. Under existing law the removal of those tracks is required on the 28th day of this month. Unless the time is extended or some other means provided before such removal, the navy-yard will be left without any track connection. The Committee on the District of Columbia deemed it unwise merely to extend the time for continuing the surface tracks on the streets, without at the same time providing for the construction of some permanent connection between the railroad and the navy-yard. The bill as passed made such provision. It arbitrarily required the railroad company to build a connection along the Anacostia River between its main line and the navy-yard.

After the passage of the bill we were advised by the Secretary of the Navy that the railroad company would not undertake to construct that proposed connection in conformity with the terms of the bill. Hence, the reconsideration of the vote by which the bill was passed. We have since made certain amendments, which, if added, will probably result in the construction along the river front of the track to connect permanently with the navy-yard. I now offer the amendments, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 1, page 2, line 12, after the word "southwestwardly," it is proposed to insert "across square south 1067;" so as to read:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue SE., and 1,000 feet westerly therefrom; thence extending by curve in a southwestwardly direction across square south of 1080, to Fifteenth street east; thence southwestwardly across square south 1067 on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 23, to strike out:

In case it shall be determined at any future time to locate or carry any public street or highway across said track, the cost and expense thereof shall be borne and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, in the manner provided in section 10 of the act of Congress providing for a Union Station in the District of Columbia, and for other purposes, approved February 28, 1903.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 9, after the word "empowered," to strike out "whenever they consider it a public benefit" and insert "upon request of the railroad company," so as to read:

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, upon request of the railroad company, to grant the Philadelphia, Baltimore and Washington Railroad Company permission to lay, maintain, etc.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 24, after the word "authorized," to strike out "and the connections necessary at or in the navy-yard" and insert "to a connection with the track system of the navy-yard," so as to make the section read:

SEC. 4. That the entire cost and expense of obtaining the necessary right of way and the entire cost and expense of constructing the branch track herein authorized to a connection with the track system of the navy-yard shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way necessary to be acquired.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 10, after the word "highway," to insert "or public space;" in line 11, after the word "approved," to strike out "route" and insert "line;" in line 13, after the word "way," to insert "not exceeding 66 feet in width;" in line 14, after the word "that," to strike out "said" and insert "such;" in line 22, after the word "hereby," to strike out "continued" and insert "reenacted;" on page 6, line 4, after the word "to," to strike out "said" and insert "such," and in line 5, after the word "and," to strike out "the" and insert "any;" so as to make the section read:

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space, said company is hereby given the right to occupy such portion of said highway or public space as may be approved by said Commissioners, and where such approved line crosses private property, the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding 66 feet in width by purchase, and in the event that such right of way can not be purchased at a price satisfactory to said railroad company, authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections 648 to 663, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk.

The SECRETARY. At the end of section 4, on page 5, it is proposed to insert:

*Provided*, That upon the completion of the branch track herein authorized and directed to be constructed within the time and in the manner herein required, the United States shall pay to the Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, the sum of \$25,000, or so much thereof as may be necessary to reimburse said company for money paid by it for and in securing the necessary rights of way in conformity with this act, and for such purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment offered by the junior Senator from Kansas [Mr. CURTIS] to the amendment proposed by the Senator from Oklahoma [Mr. OWEN], which will be stated.

The SECRETARY. Before the words "civilized tribes" it is proposed to strike out the word "late."

Mr. OWEN. Mr. President, the Senator from Kansas [Mr. CURTIS], in support of his contention that the Albert Heff case is of no value in the matter before the Senate, quoted the case of McKay v. Kalyton, at the October term, 1906, 204 United States. In that case it was held:

The United States has retained such control over the allotments to Indians that, except as provided by acts of Congress, controversies involving the determination of title to, and right to possession of, Indian allotments while the same are held in trust by the United States are not primarily cognizable by any court, State or Federal. (McKay v. Kalyton, 204 U. S., p. 458.)

The case referred to by the Senator from Kansas is one where the land was held in trust by the United States, but in the case which I am now speaking to the title is not held by

the United States in trust, but on the contrary. I call the attention of the Senate to the act of July 1, 1902, page 3, section 21, known as the "Cherokee allotment act."

*Allotment certificates* issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

In other words, this title to the land passes from the Cherokee people, who owned the land, by virtue of the certificates of allotment, directly to the individual citizen of the United States who was a member of the late Cherokee tribe of Indians.

Therefore this case is not a parallel at all, and that is the distinction I am trying to make here. *Where the United States is a trustee for the title, the United States may defend its position as trustee* and do whatever is necessary for the maintenance of the right of the trustee, and may forbid taxation when the land is held by the United States as trustee; but when the United States is not a grantor of the land, where the Cherokee people were the grantors of this land, it is different. The Cherokees have owned the land for three-quarters of a century. They bought that land from the United States and they paid for it. It was their own. This land was owned by a given number of United States citizens, and they, by a contract with the United States, agreed to distribute among themselves the owners of that property, and this contract is in the form of statute. Those people were United States citizens and were not a tribe of Indians, because the tribe so called had lost its authority. I call the attention of the Senate to the fact that the Supreme Court holds that when a tribe is given citizenship of the United States as a tribe it ceases to have governmental functions and it ceases to be a tribe within the meaning of the law. The word "tribe" is then used merely as a convenient designation for a given number of persons. The old name which they have borne is continued, and because they were once a Cherokee tribe they continue to be spoken of as the Cherokee tribe, although their legal status is absolutely different.

Whenever the Cherokee people lost their governmental function as a tribe; when they could exercise no dominion over the membership of that tribe; when they could afford no protection to the membership of that tribe, and the individual owed no allegiance to the government of the tribe, that tribe was dead as a governmental organism, and the citizens of the Cherokee tribe now owe no allegiance whatever to that so-called tribe. They owe their allegiance to the State of Oklahoma. Oklahoma has the power of life and death over the members of the late Cherokee tribe of Indians. There is no Cherokee tribe except for convenience of designation, and there is no membership of that tribe except as a method of convenient designation. Those people are citizens of the State of Oklahoma, owing their allegiance to the State of Oklahoma, and Oklahoma owes them the duty of protection, and the duty of protection carries with it the power of protection.

All this debate with regard to those people springs from the desire of the officers of the Federal Government to exercise power over those individual members of the late Five Civilized Tribes, and to maintain that Bureau of the Government which calls for a tremendous appropriation here in this very appropriation bill, hundreds of thousands of dollars to carry on this Bureau of Government in the discharge of the duty of the United States in the first place as trustee to distribute this property.

It has been ten years, ten long years, since the Choctaws and Chickasaws agreed by contract with the United States for the distribution of this property, and still the people of those former tribes await the settlement of this matter, and hundreds of thousands of dollars are being appropriated here now in this very Indian appropriation bill to carry on this business not of protecting the Indians, but of protecting Government employees who find a convenient berth in Oklahoma.

I wish to call attention specifically to the Albert Heff case and to show the important significance of the decision of the Supreme Court, because all of the contention which has been made here in opposition to this argument which I submit was made by the Solicitor-General of the United States, Henry M. Hoyt, in the Albert Heff case. He argued that the tribe was a continuing existence. He argued that because a man was a member of this tribe the United States had jurisdiction over him.

The court held the contrary, that the Government had no jurisdiction, and said this:

It is said that commerce with the Indian tribes includes commerce with the members thereof, and Congress having power to regulate commerce between the white men and the Indians continues to retain that

power, although it has provided that the Indian shall have the benefit of and be subject to the civil and criminal laws of the State and shall be a citizen of the United States, and therefore a citizen of the State.

There was the contention, and what does the Supreme Court say in answer to that contention? They say:

But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual is an Indian by descent, Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time repudiate this action and reassume its guardianship and prevent the Indian from enjoying the benefit of the laws of the State and release him from obligations of obedience thereto. Can it be that because one has Indian—and only Indian—blood in his veins he is to be forever one of a special class over whom the General Government may in its discretion assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? We think the reach to which this argument goes demonstrates that it is unsound.

That is the language of the Supreme Court.

But it is said that the Government has provided that the Indians' title shall not be alienated or encumbered for twenty-five years—

That was in case of a grant from the Government itself, not a grant from United States citizens owning certain property in common and who were granting the title to themselves directly—and it is also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property, but these are mere property rights, and do not affect the civil or political status of the allottees. In *United States v. Rickert* (188 United States, 432) we sustained the right of the Government to protect the lands thus allotted and patented from any encumbrance of State taxation.

In the *Rickert* case the United States was trustee of the title. In Oklahoma, in the Five Tribes, the United States is not trustee of the title. But these lands go direct to the people who owned them, who are United States citizens, to the individual member of the community, and the allotment certificate vests him with all the right to that land, and he does not even need a patent. As far as I am concerned I should be entirely content to abandon the issuance of patents to the lands in that country. We do not need any of those patents. A patent is merely an evidence of title. A patent is not title. You may take a patent and put it in the fire and burn it up and the title will remain. A patent is merely a piece of paper intended as evidence of title. The title itself is vested by virtue of the law, which places the right to the property in the hands of the individual and in his ownership.

The Supreme Court goes on to say in this case:

But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State, it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and incumbrance, or the further fact that it guarantees to him an interest in tribal or other property.

Mr. President, in this case, where the tribe by its own act terminated the social compact which bound the people together as a tribe, where every single governmental function has departed, where the so-called "chief" is nothing but a clerk of the Interior Department, where he has no executive power whatever except to sign his name to these so-called "patents," where he is made subservient by his salary to the power that pays him—I say the proper designation for such a tribe is the late Five Civilized Tribes, because the word "late" has been ordinarily used by the Government to describe a tribe which has lost governmental functions.

The Senator from Kansas [Mr. CURTIS] asked me whether or not the State of Oklahoma has a right to tax these lands. I assert that undoubtedly it has the right to tax those lands notwithstanding the fact that these United States citizens, called members of the Five Tribes, agreed with the United States before Oklahoma was established that the land should not be taxable. But when a State is established, and when these individuals themselves establish the State, and when they become members of the State, owing allegiance to the State—

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. Certainly.

Mr. McCUMBER. I desire to see whether I understand the Senator. Does he state that the State of Oklahoma has power to levy a tax before the expiration of the period of restriction?

Mr. OWEN. Undoubtedly.

Mr. McCUMBER. That is his position?

Mr. OWEN. Certainly.

Mr. McCUMBER. Is not that absolutely overruled in the *Rickert* case?

Mr. OWEN. It is not, for the reason that in the *Rickert* case the United States was trustee of the title and in this case there is no trustee of the title. The title to the land which I have in Oklahoma as an allottee is in me direct and there is no trustee.

Does the Senator recognize the distinction between a case where the United States is trustee and where the United States is not trustee? The distinction is so plain that no man need to err therein.

Mr. McCUMBER. I should like to ask the Senator wherein there is a distinction between the Sisseton and Wahpeton tribes, under the law as it then existed, and the Five Civilized Tribes?

Wherein did one tribe differ from the other? Both had practically the same grants; both had practically the same laws relating to their citizenship and the rights and immunities of that citizenship. Then wherein was there a trustee over the Sisseton tribe different from that over the other tribes?

Mr. OWEN. I will ask the Senator a question, and that is, whether or not these allotments were made to the United States in trust for the Wahpeton and Sisseton members?

Mr. McCUMBER. They were not. It was a direct deed, a patent to the allottees with a restrictive clause in it; nothing more or less. There was nothing else than the restriction on sale.

Mr. OWEN. Then the United States is not a trustee in that case. Is that the Senator's contention?

Mr. McCUMBER. I was simply trying to get the position of the Senator, not desiring to take part in the argument at this time. My position is that there was a trusteeship over the person and over the property during that period.

Mr. OWEN. The Senator from Kansas [Mr. CURTIS] does not insist upon a trusteeship of the person, I believe.

Mr. CURTIS. I said the Government is exercising a trust over the property.

I do not say that the Government is exercising a right over the personal conduct of the individual member of a tribe, so as to interfere with the police power of the State. But I insist that, under the law, the Government still controls the property until the restriction period has expired, and the Senator from Oklahoma has an allotment subject to certain restrictions, and his lands can not be sold for a certain length of time.

Mr. OWEN. The distinction is this: The Wahpeton and Sisseton Indians were blanket Indians. In the case of the Wahpeton and Sisseton Sioux the United States was the supervising power. They were aliens, and in this case the citizenship of the Cherokee Nation, for example, comprised not Indians within the meaning of the law, but comprised citizens of the United States, who had the right of contract before they entered into the contract of July 1, 1902, by the approval of this act of Congress distributing that so-called "tribal property," and being citizens of the United States and being the grantors themselves to their individual members as grantees, they might impose, if you will, a restriction upon the title; but the United States, having nothing whatever to do with the ownership of the property, has no right whatever to impose a condition upon the grantee.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Did not the Supreme Court in the case of *Stevens v. The Cherokee Nation* decide that the land and money of the tribes were common property, tribal property, and tribal money?

Mr. OWEN. In the *Stevens* case, which arose with regard to the constitutionality of an act of Congress providing for the making up of the rolls of the Cherokee people, the court held that that act was constitutional. The United States was obliged to distribute the property to do away with those old tribal governments.

Mr. CURTIS rose.

Mr. OWEN. Allow me to complete my answer. Then I will yield to another question.

The United States in that case was obliged to distribute this property in order to do away with these old tribal governments. It was the intention of the act of 1893, in establishing the Dawes Commission, to do away with these so-called "tribal governments." The act of 1897 did away with their judicial authority, and the act of 1898 did away with what remained of the tribal authority; and I think no one is more familiar with the destructive force of that act than the gentleman who drew the act and who now represents here in part the State of Kansas.

Those tribal governments were intended to be destroyed by the Curtis Act, so called, and they were destroyed by the

Curtis Act; and as soon as that transpired, being interested in those people, I undertook to secure for them full citizenship, so that they might be able to defend themselves without being subject to the supervisory control of the Interior Department; and it was done by the act of March 3, 1901.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. The Senator admits, does he not, that there is quite a large amount of property there to be distributed?

Mr. OWEN. I admit that there is a large amount of property there yet to be distributed, and the owners of that property yet to be distributed are citizens of the United States. They are not Indians. They do not comprise a tribe of Indians, because the true meaning of "a tribe" is a community having the power of government in some degree, and therefore in order to be a living governmental organism must exercise some control over its membership.

Mr. CURTIS. They still have legislatures and chiefs, do they not?

Mr. OWEN. I have already stated that they have chiefs appointed by the Secretary of the Interior and a legislature under the same dominating force who do not represent those people and whose sentiments are not the sentiments of those people. They have joined the great army of sinecures, and their sympathies are with the salaried class, who have a good reason to wish to continue for a long time the winding up of affairs in Oklahoma; and it is against that long-continued winding up of affairs in Oklahoma that I am protesting.

The only way they can continue to exercise supervisory control is by maintaining this theory that there is a tribe down in that country, that these dead governments are living governmental organisms, and since they are not, since they have no functions, since their laws can not be carried out, since they have no laws, I insist upon it that the word "late" is a proper description, and I insist upon it, moreover, that it is a highly necessary description, unless it is intended by the United States to attempt to perpetuate this bureaucratic government in Oklahoma for some period of years longer. Our people desire peace. They desire the opportunity to be free, to develop their own affairs, and they want to be delivered from this attempted supervisory control.

There is a case before the Supreme Court which will be decided before very long, to determine whether or not this power can be extended for twenty-five years over those of our citizens who happen to be of a larger measure of Indian blood, those who are classed as full bloods. We expect a decision by the Supreme Court before very long on that question. I, for one, have not the slightest doubt that it will be decided that the United States had no right to extend the restrictions on these lands in Oklahoma.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. OWEN. Certainly.

Mr. CLAPP. I fully sympathize with the Senator in his general proposition, but I shall vote for the amendment of the Senator from Kansas. When we passed the act two years ago there was some question—I think perhaps the importance of it was exaggerated—as to the legal effect of discontinuing the tribal government, with reference to some existing or pretended land grant. It may have been exaggerated, and I think perhaps it was. In view of the action of the Senate at that time, I should not want in this bill, in this way, to declare that those tribal governments should no longer exist. While in sympathy with the Senator on the main question, I will vote for the amendment.

Mr. OWEN. Mr. President, it is true that there was a pretext offered for extending the tribal existence of the so-called "Five Civilized Tribes," and the absurdity of that extension will appear in a moment.

Here is a community of people who by their own vote dissolve the social compact that binds them together. They have no executive authority; they have no judiciary; they have no legislative authority; they have no forum in which any law could be enforced if they should pass one, and they are forbidden to pass any kind of a law, except a resolution of adjournment, without the approval of the Secretary of the Interior. They have absolutely no power on earth. They do not comprise any organized community in any sense of the word.

It is on account of the so-called "land grant" of the Missouri, Kansas and Texas Railroad that this was extended—a land grant which on its face is absolutely preposterous; a land grant that no lawyer would for a moment say had the slightest value or color of right. I am not going to take up the time of

the Senate in discussing that land grant. I only say that it was an obvious pretext, and the real purpose of extending the tribe, so called, was to maintain this bureau government, against which I now protest.

But more than that, I want to call the attention of the Senate to the gross absurdity of this proposition. Here is a community of United States citizens who by their own vote dissolved the so-called "tribe," and having dissolved the tribe and terminated their social compact that made it a tribe the United States comes along after two or three years and passes an act declaring that the tribal life is extended, and proposes to make me a citizen of the late tribe—a member of an extinct Indian tribe. They drag the Cherokee Nation from the ceremonies of the grave, give it vitality, and make me a member of it. I earnestly submit such a proposition violates every sentiment of reason and common sense.

The argument shows how preposterous this proposition is, and how anyone can justify himself in saying that this is a living, governmental organism now passes my comprehension.

Mr. McCUMBER. Mr. President, I do not think that very many of the Senators are wasting a great deal of sympathy upon the Senator from Oklahoma. I do not think he needs any. I think he is thoroughly able to take care of himself. Nor do I think that anyone has wasted any sympathy upon the white men of Oklahoma who still take the name of Indians because there may be a sixteenth or a thirty-second amount of Indian blood in their veins. But there is some sympathy in the United States for the full-blood Indians, for the real Indian, and there are a great number of them in the new State of Oklahoma. If the reports that we get from that section are correct, and the report that we get from the special committee that investigated the affairs down in New Mexico is one-tenth of it correct, it seems to me that sympathy is not in the slightest degree wasted.

It may be possible that we have legislated the Indian out of the control of Congress. If we have done so, then nine-tenths of the bill which the Senator from Oklahoma is supporting here to-day is a mere nullity, and there is nothing left for Congress to do except year after year to vote the proper annuities that shall go to those Indians under previous contracts or under treaties that were made years ago. That would be the sole function of Congress, so far as it relates to Indian matters, provided they are not the wards of the Government at the present time. But if we are assuming that they are wards of the Government, as every Indian appropriation bill has assumed, notwithstanding any of these laws, it seems to me that we are not doing anything so wonderfully ridiculous if we are consistent and declare that they are wards of our Government for the purpose of protecting their property interest, and that is as far as any bill that I know of proposes to go.

Mr. OWEN rose.

Mr. McCUMBER. Does the Senator wish to ask me a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. With pleasure.

Mr. OWEN. The mere continuance of a policy does not justify it. I ask the Senator from North Dakota if he is referring to the so-called "restrictions" bill?

Mr. McCUMBER. I refer to that in connection with other provisions in the bill. For instance, we are educating those people. We are spending thousands, even millions, of dollars in the education of those Indians. On what assumption? On the assumption that they are the wards of the Government and need the assistance and the education which alone the Government could give them.

Mr. OWEN. Mr. President, the appropriation for the schools in Oklahoma, while the State is organizing, I think is justified because it goes to the education of white people and not of the Indian people. The Indians have their own money for their own schools, and have been conducting their own schools abundantly for a long period of time—for seventy-five years.

Mr. McCUMBER. We all understand that; but the provision of this bill relates to the education of Indians all over the United States, who are declared to be citizens just as fully as the Indians of Oklahoma have been declared to be citizens.

Mr. OWEN. I am in favor of educating the poor whites. I am in favor of educating anybody who is poor. I do not believe money can be better expended than for that purpose. But because of sympathy with the person I do not think it wise or just that the Federal Government should invade the rights of a State and undertake to take charge of hundreds of thousands of people who are citizens of a State and who owe their allegiance to the State and who will be taken care of by the

State if they should be pauperized in any way. The State of Oklahoma will take charge of its own poor, and it will educate its own children.

Mr. McCUMBER. I am not considering the question whether Oklahoma will educate its own citizens. The Government of the United States, being unable to grant lands, as it has done to other States, granted in lieu, I think, \$5,000,000 in the act which allowed Oklahoma to come into the Union. This bill is made up of appropriations for the purpose of educating the Indians all over the United States. I do not know of more than one or two reservations, and I am not certain as to those at the present time, where those Indians are not citizens of the United States. And yet we are educating them; we are paying out money to give them a special education and to prepare them for what we call "the white man's civilization."

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I suggest to the Senator that, while I am thoroughly in sympathy with his argument, he might add that there are a great many of the pupils for whom we appropriate \$1,400,000 who have money in the Treasury that we do not care to give them.

Mr. McCUMBER. That is true.

Mr. CLAPP. Still, we are going on expending public money to educate those people, and those funds are piling up, and we dare not distribute them for fear that they will be squandered.

Mr. McCUMBER. I have great doubt myself, Mr. President, about making of a real Indian a white man. I do not think it is possible to do so. I have long since come to the conclusion that the better policy of the United States would have been to have made the best possible Indian out of them instead of trying to change their nature and to place them upon a footing where they can compete with the white man. Thousands upon thousands of generations of inheritance have fitted the white man to battle with the world against adversity. It has not fitted the Indian to make the same character of battle. You may find exceptions here and there among the full-blood Indians, but if you place the majority of Indians upon the same footing as the white man and say, "Here is the world before you; you have intellect and you have strength; make your way in the world as a white man makes his way," 99 per cent of them will make a complete failure and become paupers.

History has taught us that. The Government understands that to-day as it never has understood it before, and as we take control of reservation after reservation the Indian is crowded out. We remove the restrictions, and the white man becomes the owner of the land. The Indians of California are now coming before us and asking that we buy land again for them, where they can lay their weary heads, and we have got to buy the land for them and we have got to take care of them or we have simply to send them to a pauper's house. We might just as well face that condition at one time as another. I am speaking of the real Indian. I am not speaking of the white men who have some Indian blood in their veins, because such a man can generally take care of himself.

These men still need the protecting arm of the Government. We have taken from them everything on God's green earth that they owned; we have despoiled them of their fair inheritance; we have taken their land whenever we wanted it for the white men; we have given them a mere beggarly allowance and the right to exist; and we have placed over them agents and kept them within certain confines, and have been trying all the time to see if we could not make white men out of them. Now, having failed upon that proposition, we are brought face to face with a condition either to take care of these Indians in some way or to turn them over as paupers to the several States to take care of them.

I am willing, Mr. President, to stretch the law. I might, if it is possible to do it, take some chances, until the Supreme Court has decided that we have lost the control over them to see if we can not remedy some of the wrongs that have been perpetrated against them and still take care of some of their lands.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Mr. President, the Senator from North Dakota failed to enumerate all of the things which had been taken away from the Indians, and I want to mention a few for his consideration. The chief thing which has been taken away from the Indian is his self-reliance, his self-respect. That he should be treated as a curio and made a pauper of by this system of governmental pension will ruin any man. It will ruin

a white man. I have spoiled several young men myself by pensioning them. It will spoil any man when you take away from him the individual initiative. The chief thing of which the Indian has a right to complain is that his self-respect and self-reliance have been taken away from him by this system of governmental support and governmental nursing, which really means the paying of salaries to men who want to have the salaries and who are more concerned about the maintenance of such conditions than they are about the welfare of the Indians.

The full bloods in my own country have never been paupers. They sustain themselves. They were self-supporting always. They were self-supporting before Columbus landed on the shores of this continent, and they have not only supported themselves, but they have educated their children and they have framed laws that were respectable.

Mr. McCUMBER. Let me add one thing to that. They supported themselves so long as they had their lands, and from the moment you robbed them of their lands they have not been self-supporting, and they never will be. They were able to support themselves upon their lands before the days of Columbus, before the white man took the land and took the game from the land. He took the old-fashioned means of the Indian to gain his livelihood and he tried to make a farmer out of him and he tried to make a mechanic out of him. He took them to the school some miles distant from here and has been trying to make professional men out of them, but it has been a failure along the whole line. The Indian belongs to the land. You can not separate him from God's earth. The moment you do separate him from the land you have made a pauper out of him. The moment you take him away from that which for thousands and hundreds of thousands of years belonged to him, and upon which he had been educated, and where he had gained all of his inherent characteristics, you take away his only means of livelihood.

Now, we have learned that, Mr. President, and, having learned it, it seems to me that it is our duty, so far as it is possible, to hold this last vestige of the Indian's rights, and that is some place where he can live. That is what we are attempting to do in holding these restrictions, because the moment that you release the land from the restrictions the superior ability of the white man, his persuasive qualities and his persistency in getting hold of property, will overcome the resisting mind of the Indian and, like a child, he will finally give away his property. He will generally ask three or four times what it is really worth, in the first instance, but if you hold to him long enough he will sell it for one-tenth of what it is worth. That is the experience we are having all over the country to-day wherever we have absolutely separated the Indian from his land or, what is equivalent to that, have removed the restrictions so that they can sell the land.

I have stated in arguments heretofore that I am somewhat doubtful as to whether the amendment which I secured in 1906, extending the restrictions twenty-five years, will be sustained. I hope it will. I can see many reasons why it should be sustained. If we should take the general sentiment of the expressions of the courts upon the subject, I would be inclined to think that that would be their final holding. We gave the Indian political rights, but by giving him those political rights, those rights of citizenship, we did not necessarily release ourselves from the right of control as a guardian over a ward.

I know the Senator takes a different view from that, but I want to call attention to this one case that has been referred to so often—the Rickert case. Let me give you the law that governed the Rickert case. We will take section 6 of chapter 119 of the laws of 1887. That law provided as follows:

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made, shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indians within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States, to whom allotments shall have been made under the provisions of this act . . . is hereby declared to be a citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens, etc.

That is just as broad an application of the law as it would be possible to make. This, remember, was in 1887. In 1901 this same law was extended over the Five Civilized Tribes of Oklahoma. Thirteen years after that law became effective, and at least ten years after the allotments had been made under it, and which allotments, by the very argument of the Senator from Oklahoma, made these Indians absolute citizens of the United States when the Indian had received his paper title with the restrictions upon it, the county of Roberts, in the State of South Dakota, levied a tax, both personal and real, a real-estate tax against the land and a personal-property tax against the personal property of the Indian as well.

Mr. OWEN. Which had been granted to him.

Mr. McCUMBER. Which had been granted to him by the Government of the United States.

Mr. OWEN. Mr. President—

Mr. McCUMBER. I will make it perfectly clear and fair to the Senator. I will read what the court said. The court knew of this law, the court knew in that decision that thirteen years prior to the time of the levy of this tax these people had been declared citizens with all the rights and immunities of citizens of the United States, and yet in that decision in *United States v. Rickert*, the court uses this language:

These Indians are yet wards of the Nation.

Mr. OWEN. Mr. President—

Mr. McCUMBER. That is the clear wording of the Supreme Court after these men had been declared to be citizens of the United States.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Does the Senator maintain that now those persons who were members of the "Five Civilized Tribes" are still wards?

Mr. McCUMBER. For the property which has been granted them and the protection of that property, yes; absolutely. Now, let me ask the Senator, does not this decision so state, that these men had been declared to be citizens? I am giving him the language of the Supreme Court of the United States on the subject. It is not my own.

Mr. OWEN. Mr. President, even the Supreme Court of the United States may use an inadvertent term. I have already agreed with the Senator from North Dakota that where the United States is trustee of the title, the United States as such trustee may defend its right of trustee and prevent such land from being taxed. But in this case—

Mr. McCUMBER. It is but perfectly fair to state, in answer to the Senator, that I do not think it was necessary to use this language in the decision of that case.

Mr. OWEN. Of course not. In the *Albert Heff* case the language itself is absolutely set aside by the Supreme Court in a later decision, which was in point and which went right to the soul of that matter, and in which they declared that John Butler was not a ward.

Mr. McCUMBER. I can not agree that they declared he was not a ward so far as his property rights were concerned. They declare that he was subject to the police jurisdiction and laws of the States, and that we do not deny. They have never attempted to overrule the cases in which they tried to make a clear distinction between the political rights which are granted and those rights of property over which they say they have control, and have such control because they regard the Indian as still the ward of the Government.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Does the Senator from North Dakota say that the United States is trustee of an allotment in the Cherokee Nation?

Mr. McCUMBER. I say that the Government of the United States is trustee of every allotment containing a restriction.

Mr. OWEN. Whether it is in the contract or not?

Mr. McCUMBER. It is in the law. The contract is the instrument under which the grant has been made, and that is the law. If the law declares that the property shall not be subject to sale for twenty-five years, then I maintain that for twenty-five years that property is not subject to taxation by the State. If that is not true, then, the very protection that the Government intended to exercise for the benefit of the Indians is absolutely without effect, and the States can come in and, through a process of tax sale, can deprive the Indian of the very property which the Government itself declared he could not alienate. In other words, the Senator's position leads him to this proposition, that while the Government can say to the Indian or to the allottee, if he is a citizen of the United States, "You may hold this land with a restriction against sale for twenty-five years," the purchaser at a tax sale will take it free from that restriction imposed upon it by the Government. I am not willing to concede that proposition. I believe there is vitality in that restriction, and that citizenship does not affect it or lessen its value in any degree.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. What I have tried to call the attention of the

Senator from North Dakota to is that these lands did not belong to the United States; they belonged to the people composing that community, who were at that time citizens of the United States. They were not at that time a tribe, and while they acquiesced in a five years' restriction on the title, which as the grantors of the title they had a right to do and it is binding on the grantee, the legal title will remain in the grantee for that period of time.

Mr. McCUMBER. What title does the Senator claim was held by the individual Indian before the allotment? Was it a title in common with all the Indians?

Mr. OWEN. No.

Mr. McCUMBER. Was it a tenancy in common or a joint tenancy, or what was the legal title of the Indian?

Mr. OWEN. It was a title under a social compact existing between these individuals of a peculiar nature that is ordinarily known as the Indian title.

Mr. McCUMBER. Yes; and the Indian title, Mr. President, was simply a right of possession subject actually to the control of the Government of the United States.

Mr. OWEN. No, Mr. President.

Mr. McCUMBER. No one has ever broadened the Indian title into a greater title than that of a mere possessory right so long as the Government saw fit to accord them that right.

Mr. OWEN. The courts of the United States have held that that was a fee title, and it will not do for the Senator from North Dakota to deny that title. It was practically a fee simple given by the treaty of 1835 to these people and later confirmed in other treaties.

Mr. McCUMBER. Could the Indians sell it without the consent of the Government? Could they alienate it or mortgage it in any way without the consent of the Government? If they could not, then certainly it was not a fee title in that sense. Suppose the tribe had gone out of existence entirely, had been wiped out of existence, what would have become of the lands? Would they have gone to the heirs of the tribe, or would they have reverted immediately to the Government?

Mr. OWEN. When you wipe them out, you do not leave them any heirs, Mr. President. [Laughter.]

Mr. McCUMBER. I say wipe out the tribe. The Senator is mistaken. There are very many heirs of those Indian tribes that are scattered over the United States to-day who are not members of the tribe and not on the rolls. So, the Senator is entirely in error when he says if the tribe is wiped out there can be no descendants.

Mr. OWEN. When the Senator made—

Mr. McCUMBER. The law of tribal relation is one thing; the law of descent is entirely another thing. A man might or a child might be a descendant from some Indian of that tribe and have no tribal rights whatever to the property. So, I deny that proposition of the Senator.

Mr. OWEN. Mr. President, the Senator in wiping out the—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly; with pleasure.

Mr. OWEN. I thought the Senator in suggesting the wiping out of the so-called Cherokee Indians had supposed them wiped out completely. In his mental supposition, however, he left enough of them apparently to meet my suggestion.

Mr. McCUMBER. Not as tribesmen, by any means.

Mr. OWEN. But I understand thoroughly what the title of the Cherokee lands is. They were granted all the right that the United States had. Of course the United States, as a sovereign power, would be the party to whom the lands would escheat in case the Indian people, who were on the lands and who owned them, should leave the country or go away and have no representatives. That, of course, is true.

Mr. McCUMBER. That was provided even in the treaty, I am informed.

Mr. OWEN. No; it was not provided in the treaty; it was written in the patent.

Mr. CURTIS. It was provided in the treaty.

Mr. OWEN. It was written in the patent.

Mr. CURTIS. It was provided in the treaty also.

Mr. OWEN. The agreement which was made in the first place with these people was that they should have this land absolutely; but it is the common practice to write in the face of the patent that in case they abandon the land it shall revert to the Government. That, however, does not diminish the quality of the title at all. What I was calling the Senator's attention to was that this people, as a community, owned this land; they were citizens of the United States at the time they made this agreement; and while they could impose on the title granted their individual members this condition the United States has no power to do so.

Mr. McCUMBER. What I am trying to impress upon the Senator is the fact that those Indians did not get such a title to the land as we get by a Government patent to our own lands—exclusive control over them. The original grant, which was practically to the tribe without an allotment, is not such a fee simple as would go to the individual, and has never been regarded as such. If the Indians should as a tribe remove entirely over into Mexico and abandon that land, I do not think that they could claim a title or could dispose of it in any way and take the proceeds of it. No court has ever decided that they could; and if they could not, then it follows that they did not have the fee title in the general sense in which we use that term.

But I was considering the Rickert case and what the court stated. Perhaps the language was not necessary in order to decide that case, but the Supreme Court, in connection with the law which was before it and which was being tested, did say that, having acquired the right of absolute citizenship, with all of its privileges and immunities, the State could not tax that real property by making it subject to the laws of the State.

The Supreme Court not only denied that proposition, but it denied it upon the ground—whether necessary or not—that “these Indians are yet wards of the nation, in a condition of pupillage or dependency, and have not been discharged from that condition.”

Mr. OWEN. Mr. President—

Mr. McCUMBER. Notwithstanding the fact that they declared and the law declared that they were citizens of the United States, the Supreme Court declared that they had not been discharged from that wardship. That is the proposition I want to make clear. I am not saying that the court will not reverse the wording of this decision whenever it shall pass upon the amendment to which the Senator has referred and the amendment which, on my motion, was engrafted on the bill some two years ago extending the period of the restriction.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. I can not feel that the Senator ought to ignore a later decision of the court. He is making exactly the same argument which Henry Hoyt, the Solicitor-General, made in the Albert Heff case, and which was overruled by the Supreme Court. He is making the exact argument over again.

Mr. McCUMBER. I do not think, Mr. President, that the proposition under which my argument is based has been overruled. If it had been overruled, there would be no occasion whatever for bringing the case before the Supreme Court which the Senator from Oklahoma says will soon be decided. The question has never been squarely passed upon by the court with reference to the property. I have tried to make it clear that the court had decided that political rights were one thing—in the Heff case they passed upon that question—and they have declared that property rights are of another character; and that has been decided in another way.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. CURTIS. I will state that in the case to which I referred this morning, reported in 204 United States Supreme Court Reports, the Rickert case is referred to with approval.

Mr. OWEN. I call the attention of the Senator from Kansas to the fact that the case referred to was a case in which the United States held land in trust, which is not the case with the Five Civilized Tribes.

Mr. CURTIS. The Senator is making a distinction without a difference. The Supreme Court has repeatedly held that the Government does have control of the lands of the Five Civilized Tribes.

Mr. McCUMBER. I want to follow the language of the Supreme Court further. As I have said, I can not imagine why they should use that language unless there was a conviction that the right of the United States over the property of the Indian had not passed in any degree, because they further say:

“These Indians are yet wards of the nation, in a condition of pupillage or dependency, and have not been discharged from that condition. They are occupying these lands with the consent and authority of the United States; and the holding of them by the United States under the act of 1887, \* \* \* is a part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privileges of citizenship. To tax these lands is to tax an instrumentality employed by the United States for the benefit and control of this dependent race, and to accomplish beneficent objects with respect to a race of which this court has said that “from their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it, the power.”

It will be remembered that the court went further than the mere matter of determining that a tax upon that land was invalid. It also broadly held that a tax upon the personal property, upon horses and cattle, was invalid. To be sure it stated and used the language that the property had been given them, but, as I understand, there was no evidence whatever that this was the identical property—personal property, I refer to now—which passed from the Government, but that it related to any of the personal property that was held by the Indians.

Mr. President, I myself believe that in all other matters, as well as educational matters, it is proper at least for Congress to assume that the Indian is still the ward of the Government, and to be protected. When the Supreme Court of the United States decides that we are in error upon this proposition it will be time enough to reverse our policy.

Mr. LODGE. Mr. President, Benjamin Jowett, the late very eminent master of Balliol College at Oxford, in England, once said to a gathering of his students: “We are none of us infallible; we are all likely to make mistakes, even the youngest of us.” I am never so impressed with a sense of human fallibility as when I am called upon to consider some of these complex and difficult Indian questions about which I feel very strongly my ignorance.

This is a proposition to strike out a word which if left in will have a very important effect upon existing laws of the United States. I shall not attempt to say anything on the legal propositions which have just been so ably discussed by the Senator from North Dakota [Mr. McCUMBER], but I am interested in maintaining what seems to me a correct principle in legislation.

These Five Civilized Tribes, whether their members have become citizens of the United States or not, still exist for certain purposes as legal entities. They are referred to in the very bill before us repeatedly later on as the Five Civilized Tribes, and the United States maintains relations to them in that capacity. Whether those relations are limited or not seems to me to have no bearing upon the question. The resolution read by the Senator from Kansas [Mr. CURTIS] appears to me to put it beyond doubt that the intention of Congress and the intention of existing laws was to maintain those certain and limited relations toward those tribes.

Not very long ago an amendment was offered, which I think was finally adopted, relating to certain lands in New York in which the Six Nations had an interest. I do not now recall the precise purpose of the amendment, but it is not of importance to my argument. The surviving members of the Six Nations in New York are all citizens of the United States, and I think the Senator from New York [Mr. DEFEW] will confirm me in saying that they have been citizens for some generations. But in that amendment we do not refer to them as the “late Six Nations” or the “late Iroquois.” We refer to them as “the people of the Six Nations,” because it was in that relation the United States was connected with them.

We have in my own State a remnant of an Indian tribe known as the “Mashpee.” For many years they have had a township of their own; they are citizens of the State; they are citizens of the United States. They are never referred to in our statutes as the “late Mashpee Indians,” but are referred to as “the Mashpee Indians,” merely for convenience of designation in that case, because the relation of the State to them in the capacity of guardian has long since ceased.

The insertion of this word will have the effect, it seems to me, of contradicting our whole course of legislation. Therefore it is of great importance that such a far-reaching change should not be lightly made. If we are prepared to alter the course of legislation which has been adopted after consideration by Congress, that is one thing and a proposition to be argued on the broadest ground, but to contradict existing legislation or to attempt to overthrow it by the insertion of a word in an appropriation bill seems to me not consonant with the best practices of legislation here. It seems to me it would be unwise for the Senate, after this brief discussion, to make such a fundamental and far-reaching change in our laws as they now exist as this would import.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. CURTIS] to the amendment of the Senator from Oklahoma [Mr. OWEN].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Oklahoma [Mr. OWEN] as amended.

The amendment as amended was agreed to.

Mr. CLAPP. I ask that the Secretary state that amendment. I rather think its adoption necessitates a further amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 20, after the word "buildings," it is proposed to insert the words "on lands heretofore belonging to the Five Civilized Tribes."

Mr. CLAPP. I now suggest that the words in lines 11 and 12, on page 4, be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 4, lines 11 and 12, it is proposed to strike out "and this provision shall apply to the Five Civilized Tribes."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Commissioner," on page 4, line 15, after the words "use of," to insert "irrigating tools and appliances and purchase of;" in line 17, after the word "lines," to insert "and," and in line 20, after the word "dollars," to insert "of which \$25,000 shall be immediately available," so as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances and purchase of water rights, including lands necessary for canals, pipe lines, and reservoirs for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, \$200,000, of which \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "dollars," to insert "of which \$15,000 shall be immediately available," so as to make the clause read:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, \$75,000, of which \$15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, line 12, before the word "thousand," to strike out "twenty-five" and insert "forty," so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior to take action to suppress the traffic of intoxicating liquors among Indians, \$40,000.

The amendment was agreed to.

The next amendment was, on page 5, line 15, before the word "hundred," to strike out "three" and insert "four," so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, \$1,400,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, in cooperation with the Department of Agriculture, designed to test the possibility of soil, climate, etc., in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, \$5,000.

Mr. TELLER. Mr. President, I should like to ask the chairman of the committee what is the purpose of the words in that amendment, "in cooperation with the Department of Agriculture?" It seems to me that it would be better if we left it entirely to the Indian Bureau; otherwise there may be some conflict of jurisdiction. I think the Bureau of Indian Affairs could cooperate with the Department of Agriculture without this language and would be entirely independent. I do not know what authority the Department of Agriculture might assume, but, as a rule, one Department or the other has absolute control of these affairs. I do not intend to make any objection to it. I only thought I would call the Senator's attention to the matter.

Mr. CLAPP. Those words were inserted at the request of the Indian Office, so that where the Agricultural Department was carrying on irrigation work and it was advisable to unite the two on some of these reservation works they could do so. I myself rather think, on reflection, that the words "in cooperation with the Department of Agriculture" might be stricken out. The Departments could cooperate without this language being used.

Mr. TELLER. I think they could, Mr. President, and I think it would be less liable to complication if the Department were left to do as it saw fit.

Mr. CLAPP. I move to strike out the words, on lines 17 and 18 in the amendment, "in cooperation with the Department of Agriculture."

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 17, after the word "farms," it is proposed to strike out "in cooperation with the Department of Agriculture."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued, as follows:

That all expenditure of money herein or hereafter appropriated for school purposes among the Indians shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That, except for pay of superintendents, not more than \$167—

Mr. TELLER. I wish to understand what is the meaning of the language on page 7, beginning with the proviso in line 5, which has just been read by the Secretary. The proviso reads:

*Provided*, That, except for pay of superintendents, etc.

I suppose it must mean that the per capita expenditure shall not include the pay of superintendents. Is that what it means?

Mr. CLAPP. Yes. That was in the bill as it came over to us from the House.

Mr. TELLER. I have no objection to it if that is what it means.

The reading of the bill was resumed. The next amendment was, on page 7, line 12, after the word "necessary," to strike out "for the efficient operation of the school affected;" and in line 15, after the word "expenditure," to strike out "such expenditure to continue only so long as the said necessity therefore shall exist," so as to make the proviso read:

*Provided*, That, except for pay of superintendents, not more than \$167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 8, after line 19, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to send a special Indian agent, or other representative of his Office, to visit the following-named Indian tribes: Choctaw, Pottawatomie (Kansas), Senecas of New York, Six Nations of New York, Pawnees, and the Sacs and Foxes of the Mississippi, for the purpose of conferring and negotiating and entering into a written agreement with each tribe for the commutation of the perpetual annuities due them under treaty stipulations; and the Commissioner of Indian Affairs shall transmit to Congress at its next regular session said agreements with such recommendations as he may deem proper.

Mr. CLAPP. I move to amend the amendment by inserting, in line 23, page 8, after the word "Choctaw" the words "Chickasaw, Cherokee, Seminole, Creek."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 9, line 16, after the word "That," to insert "hereafter," so as to read:

*Provided*, That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco.

The amendment was agreed to.

The next amendment was, on page 9, line 20, after the word "That," to insert "hereafter," so as to make the further proviso read:

*Provided further*, That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the word "That," to insert "hereafter," so as to read:

*Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, etc.

The amendment was agreed to.

The next amendment was, under the head of "II. General officers and employees," on page 11, after line 15, to strike out:

INSPECTORS.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction,

and maintenance of irrigation works, at \$2,500 per annum each, except the chief engineer, who shall receive \$3,500, \$21,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to strike out:

For traveling expenses of eight Indian inspectors, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, \$12,800.

The amendment was agreed to.

The next amendment was, under the subhead "Superintendent of Indian Schools," on page 12, line 17, after the word "law," to insert: "And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior;" so as to make the clause read:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, \$1,500: *Provided*, That he shall be allowed \$3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare in lieu of all other expenses now allowed by law. And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. KEAN. I should like to ask the Senator from Minnesota what is the purpose of this amendment?

Mr. CLAPP. That was put in there so that the superintendent—

Mr. KEAN. It is the superintendent of Indian schools. What other duties are there for him to perform?

Mr. CLAPP. He is the general superintendent. He is not at any Indian school. The Department finds there are times when it might employ him on other work, and it desires authority to do so.

Mr. KEAN. Do you not think there ought to be some limitation on the superintendent? Ought he to be employed for every purpose?

Mr. CLAPP. I think he ought to be kept busy.

Mr. KEAN. I think he ought to be employed to look after the schools.

Mr. CLAPP. He is primarily. The amendment says:

And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

If he is not engaged all the time, and if there is other work that he can do, the idea of the Commissioner was that he should have that authority.

Mr. TELLER. Mr. President, I can not conceive what he can be assigned to that will be beneficial more than what he is doing under his present office. There certainly is not any time for the superintendent of schools to do additional work. He will do very well if he succeeds in visiting all the schools in the course of the year.

Mr. CLAPP. A lady holds this office.

Mr. TELLER. I know.

Mr. CLAPP. It is not designed that this lady shall in any manner lessen her interest in or her attention to or her work for the schools, but the Commissioner suggested that there were times when that work was not sufficient to keep her engaged, and he simply wanted authority in such a case, as anyone else would, with anybody under his employ, to keep her busy.

Mr. TELLER. She must be a very remarkable woman if she can discharge those duties, without having other duties imposed upon her. Of course I do not care to interfere with the administration of the office.

Mr. KEAN. Is not this an indirect way of increasing some one's compensation?

Mr. CLAPP. No; not at all. There is no additional compensation provided for.

Mr. KEAN. But there is additional compensation here allowed.

Mr. CLAPP. How?

Mr. KEAN. There is an additional compensation of \$3 a day for traveling expenses.

Mr. CLAPP. That has always been there.

Mr. CLARK of Wyoming. I will say to the Senator from New Jersey, with some little knowledge that I have of the duties of that office, that the allowance for traveling expenses will be fully consumed every day in the year which can be spared outside of the main office. For myself, I can not imagine a reason for this, and I have been looking through the report

to see the reason given by the Commissioner of Indian Affairs for this amendment. The Senator from Colorado says it must be a very remarkable woman who is in charge of this office. The Senator from Colorado probably knows her very well, and I will say she is a very remarkable woman and probably has as good executive ability as anyone in the Indian Bureau. I know that the time of the present incumbent is fully taken up. She is an enthusiast in the office, and her time is fully occupied with the duties of the office. I have been looking for some information as to why this amendment was proposed.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. TELLER. Does the Senator think it would be possible, without detriment to the public service, to assign this woman to any duty except that which she now has?

Mr. CLARK of Wyoming. I do not. I know the duties of that office will consume every day of the entire year.

Mr. TELLER. I think so.

Mr. CLARK of Wyoming. Not only is the head of the office busy, but numerous clerks are fully employed. There may be some reason for the amendment.

Mr. CURTIS. I understood the Commissioner to say at the hearing that frequently it is necessary to send the superintendent to certain schools in cases where all the inspectors or special agents are busy; that she was the proper person to send, being in charge of the schools, and that was the reason why the amendment was put in.

Mr. CLARK of Wyoming. I think that would be a proper reason, but under this amendment he could put her to work on an irrigation dam.

Mr. CURTIS. He would hardly do that.

Mr. CLARK of Wyoming. The language is so broad, it seems to me there is danger of injuring the school service by putting the superintendent of schools on other work.

Mr. CURTIS. While she would be in general charge of the schools, she might also have to act as superintendent of a particular school, because the superintendent might be removed. Under existing law she could not act as superintendent. Yet, if she was sent out to some school to take charge of it, she ought to have the right to do just as an inspector may now do when he is sent.

Mr. CLARK of Wyoming. Yes. On the other hand, I would suggest to the Senator from Kansas that this officer might be sent to a school and kept there the year round.

Mr. WARREN. I want to ask the Senator from Kansas if the superintendent is not doing such work as he mentions.

Mr. CURTIS. I think the superintendent is.

Mr. WARREN. I think she has been doing that kind of work.

Mr. CURTIS. But there have been cases where she is not authorized under the law to perform certain duties which the Commissioner would like to have her perform while at the school, as I understood him. I may be wrong.

Mr. CLAPP rose.

Mr. CURTIS. The chairman will probably remember better about that than I do.

Mr. CLAPP. It is a matter of very little interest, I think. It does seem to me that when the head of a bureau asks for a matter of that kind, he ought to be regarded as the best judge as to whether it is advisable or whether it is necessary. The amendment is here at the request of the Indian Office. If the Senate prefers to strike it out very well.

Mr. CLARK of Wyoming. I made no motion to strike it out. I simply rose to ask for information.

Mr. CLAPP. The amendment is here because the Commissioner of Indian Affairs has asked for it.

Mr. CLARK of Wyoming. Has the Commissioner of Indian Affairs informed the committee why he wants it? That is what I ask for.

Mr. CLAPP. He stated, as the Senator from Kansas has already stated, that it is oftentimes desirable to send the superintendent of schools to examine them when no one else can be sent, and there is a question of authority, and he would like to have it plain, and for that reason the committee put the amendment in the bill.

Mr. TELLER. The Secretary of the Interior can of course order the superintendent of schools to do anything in the line of schools. I doubt whether he can order him to do anything else outside. I do not think he can put the superintendent on irrigation business or anything of that kind. But this provision would authorize that to be done if anybody has the thought of doing it.

I can not conceive why this is wanted. I am confident that

the superintendent of Indian schools has now more than any one person ought to do. I do not like to interfere with what appears to be the administration of affairs in the Indian Office, but I think I will venture to oppose this particular amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 13, line 21, after the word "stockmen," to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," so as to read:

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding \$75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$125,000.

The amendment was agreed to.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 28, 1908, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 27, 1908.*

##### POSTMASTERS.

###### ALABAMA.

James I. Abercrombie to be postmaster at Columbiana, Shelby County, Ala.  
 Noah S. Daniel to be postmaster at Dora, Walker County, Ala.  
 G. Cullen Dean to be postmaster at Evergreen, Conecuh County, Ala.  
 Jethro D. Dennis to be postmaster at Marion, Perry County, Ala.  
 Albert W. Ellyson to be postmaster at Citronelle, Mobile County, Ala.  
 Emily R. Lawrence to be postmaster at Livingston, Sumter County, Ala.  
 Joseph D. McCleskey to be postmaster at Boaz, Marshall County, Ala.  
 Marcus T. McGriff to be postmaster at Columbia, Houston County, Ala.  
 Spencer J. McMorris to be postmaster at Wetumpka, Elmore County, Ala.  
 James W. McNeill to be postmaster at Luverne, Crenshaw County, Ala.  
 Florence E. Spears to be postmaster at Pell City, Etowah County, Ala.  
 James V. Walls to be postmaster at Guntersville, Marshall County, Ala.

###### GEORGIA.

Fred J. Allen to be postmaster at East Point, in the county of Fulton and State of Georgia.  
 Nemie F. Awtrey to be postmaster at Lagrange, Troup County, Ga.  
 Charles Beugnot to be postmaster at Mount Vernon, Montgomery County, Ga.  
 John H. Boone to be postmaster at Hazelhurst, Jeff Davis County, Ga.  
 James F. Boughton to be postmaster at Madison, Morgan County, Ga.  
 William H. Carroll to be postmaster at La Fayette, in the county of Walker and State of Georgia.  
 William J. Campbell to be postmaster at Fairburn, Campbell County, Ga.  
 William O. De Loache to be postmaster at Talbotton, Talbot County, Ga.  
 William E. Dunham to be postmaster at Cochran, in the county of Pulaski and State of Georgia.  
 William J. Evans to be postmaster at Stillmore, Emanuel County, Ga.

Fred Feltham to be postmaster at Boston, Thomas County, Ga.  
 John I. Fullwood to be postmaster at Cedartown, Polk County, Ga.

Mattie E. Gunter to be postmaster at Social Circle, Walton County, Ga.

Lizzie Hamilton to be postmaster at Buford, Gwinnett County, Ga.

Mattie H. Hanson to be postmaster at Forsyth, Monroe County, Ga.

Mary C. Heinsohn to be postmaster at Sylvester, in the county of Worth and State of Georgia.

Virginia W. Henderson to be postmaster at Oxford, Newton County, Ga.

Mary E. Hinton to be postmaster at Woodbury, Meriwether County, Ga.

Edward A. Hollis to be postmaster at Reynolds, Taylor County, Ga.

Robert E. James to be postmaster at Douglasville, Douglas County, Ga.

William T. Johnson to be postmaster at Collegepark, Fulton County, Ga.

Newton T. Jones to be postmaster at Pelham, in the county of Mitchell and State of Georgia.

George L. Liverman to be postmaster at Bainbridge, Decatur County, Ga.

John C. Massey to be postmaster at Hartwell, Hart County, Ga.

Mattie Mitchell to be postmaster at Acworth, Cobb County, Ga.

Charles E. Murphy to be postmaster at Waycross (late Way Cross), in the county of Ware and State of Georgia.

Julius Peacock to be postmaster at Vidalia, Toombs County, Ga.

Terrell C. Peterson to be postmaster at Fort Gaines, in the county of Clay and State of Georgia.

Hugh M. Pierce to be postmaster at Moultrie, Colquitt County, Ga.

Gordon G. Ridgway to be postmaster at Royston, Franklin County, Ga.

William T. Rudolph to be postmaster at Thomaston, in the county of Upson and State of Georgia.

John W. Spinks to be postmaster at Dallas, Paulding County, Ga.

Richard W. Tindall to be postmaster at Jesup, Wayne County, Ga.

William M. Wakeford to be postmaster at Adel, in the county of Berrien and State of Georgia.

George P. Whigham to be postmaster at Bartow, Jefferson County, Ga.

William M. Wilson to be postmaster at Blue Ridge, Fannin County, Ga.

George E. Youmans to be postmaster at Adrian, Emanuel County, Ga.

###### IOWA.

Aaron M. Loomis to be postmaster at Wyoming, Jones County, Iowa.

###### MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, Oxford County, Me.

###### MASSACHUSETTS.

Fred A. Hanaford to be postmaster at South Lancaster, Worcester County, Mass.

###### MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, St. Clair County, Mich.

###### NEW JERSEY.

Charles H. Bennett to be postmaster at Dover, Morris County, N. J.

Richard F. Treweeke to be postmaster at Butler, Morris County, N. J.

###### NORTH CAROLINA.

J. W. Brown to be postmaster at Oxford, Granville County, N. C.

Percy B. Matheson to be postmaster at Wadesboro, Anson County, N. C.

Thomas E. Wallace to be postmaster at Wilmington, New Hanover County, N. C.

###### SOUTH CAROLINA.

Susan E. Morton to be postmaster at Due West, Abbeville County, S. C.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 27, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PROVIDING FOR A TERM OF UNITED STATES CIRCUIT AND DISTRICT COURTS AT LANDER, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, with an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

*Be it enacted, etc.,* That hereafter, and until otherwise provided by law, there shall be held annually on the first Monday in October a term of the circuit and district courts for the district of Wyoming at the town of Lander, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said town of Lander, unless he himself shall reside there, and he shall also maintain an office at that place.

*Provided, however,* That a place shall be furnished for holding of said courts without any expense to the Government of the United States.

The amendment was read, as follows:

Strike out the word "provided," in line 10; all of line 11, page 1, and all of lines 1 and 2, page 2, and insert "Provided, That until a public building is provided on the site now owned by the Government in said town of Lander, a place shall be furnished for the holding of said court at an expense to the Government of the United States not to exceed \$300 annually."

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, may I ask the gentleman from Wyoming what he means by appointing a deputy clerk in each locality? What do you mean by holding court without any expense to the United States Government?

Mr. MONDELL. The provision for the holding of a term of court without any expense for rent is modified by the amendment suggested by the chairman of the Committee on Appropriations—that the expense shall not exceed \$300 per annum for a place to hold court.

Mr. LIVINGSTON. Why do you appoint a deputy clerk in each place?

Mr. MONDELL. In order that there may be a clerk at that point to transact such business as may be required; but no additional expense is involved, because the clerk is paid only in fees.

Mr. LIVINGSTON. Can he charge \$5 for every day that he serves there?

Mr. MONDELL. He can not.

Mr. LIVINGSTON. Is that limited and fixed?

Mr. MONDELL. The clerk is paid exclusively by fees, as I understand it.

Mr. LIVINGSTON. But now he is entitled to a fee if he makes an entry upon his books in the presence of the court. Can this man charge fees when the judge is not there?

Mr. MONDELL. I understand not. I understand it involves no additional expense. On the contrary, the committee which reported it stated that this will amount to a saving of \$5,000 per annum.

The SPEAKER. The Chair hears no objection.

The committee amendment was agreed to.

The amendment to the committee amendment was agreed to. The bill as amended was read the third time and passed.

BRIDGE ACROSS MONONGAHELA RIVER BETWEEN BROWNSVILLE AND WEST BROWNSVILLE, PA.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17220).

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Browns-ville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

*Be it enacted, etc.,* That section 7 of an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Browns-ville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void unless the construction of said bridge shall be commenced within one year from April 23, 1908, and shall be completed by April 23, 1911."

The committee amendments were read, as follows:

SEC. 2. That the bridge to be constructed under the provisions of said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time and passed.

On motion of Mr. COOPER of Pennsylvania, a motion to reconsider the last vote was laid on the table.

VALIDATING CERTAIN ACTS, THIRTY-SEVENTH LEGISLATIVE ASSEMBLY, TERRITORY OF NEW MEXICO.

Mr. HIGGINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

*Be it enacted, etc.,* That the act of the thirty-seventh legislative assembly of the Territory of New Mexico, entitled "An act creating four armory boards of control and providing for the construction of armories in the cities of Santa Fe, Roswell, Silver City, and Las Cruces," approved March 20, 1907; and an act of the same assembly and session entitled "An act to construct an addition to the present capitol building and for the construction of an executive mansion, and to purchase certain real estate and to provide the necessary means therefor, and for other purposes," approved March 21, 1907, and sections 37, 38, and 39 of an act of the same assembly and session entitled "An act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes," reported by conference committee, approved March 21, 1907, be, and the same are hereby, approved, and that the bonds therein provided for, whenever issued in compliance with said acts of said legislative assembly of the Territory of New Mexico, shall be valid and binding upon said Territory of New Mexico, as in said acts provided, and that all necessary power and authority is hereby granted said Territory of New Mexico to issue and dispose of said bonds in accordance with the provisions of the said acts.

SEC. 2. That this act shall be in full force and effect from and after its passage.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, from what committee does this bill come?

Mr. HIGGINS. It is the unanimous report of the Committee on Territories and meets the approval of the Interior Department.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

## ASSIGNMENT OF OFFICE ROOMS.

Mr. MANN. Mr. Speaker, I call up the privileged House resolution No. 217 for consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved,* That the rooms in the House Office Building bearing the following temporary numbers, according to the plats accompanying House resolution No. 53, passed by the House December 19, 1907, to wit, 313, 314, and 315, and the large room at the southwest corner of the House Office Building, be, and the same are hereby, assigned for the use of the Committee on Ways and Means, and to the same committee, as an additional room for temporary use, the room on the House floor of the Capitol building, now occupied by the Speaker, and that the rooms now occupied by the Committee on Ways and Means are hereby assigned for the use of the Speaker.

Mr. PAYNE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PAYNE. Mr. Speaker, I offer the following substitute.

Mr. MANN. I suppose at this time that would be offered simply for information.

Mr. PAYNE. No.

The SPEAKER. Does the gentleman offer this for information or as a pending amendment? The Chair did not understand the gentleman.

Mr. MANN. It may be considered as pending, so that it may be voted upon at the proper time without interfering with the right of debate.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

*Resolved,* That for the present session of Congress the rooms now occupied by the Committee on Ways and Means be assigned for the use of the Speaker, and the room now occupied by the Speaker and such other room in the Capitol as may be available be assigned to the Committee on Ways and Means; that during the interim between the first and second sessions of this Congress the superintendent of

the Capitol shall have the files removed from the present file room to some other suitable place in the Capitol, and shall have the file room and the room now occupied by the Committee on Pensions fitted up as committee rooms; that at the beginning of the next session of Congress the rooms now occupied by the Committee on Ways and Means be reassigned to said committee; that the two rooms formerly occupied by the Speaker and now occupied by the Committee on Appropriations at the southwest corner of the Capitol on the House floor be assigned to the use of the Speaker, and the three remaining rooms on the west side of the Capitol, House floor, be assigned to the use of the Committee on Appropriations.

Mr. MANN. Now, Mr. Speaker, while I have not seen the substitute proposed by the gentleman from New York, nor heard it until it was read from the Clerk's desk, the proposition is not a new one to me nor to the special committee. The special committee which was appointed at the beginning of the session of Congress for the purpose of presenting plans for the distribution of the rooms in the Office Building and in the Capitol building has considered a great many different propositions for the purpose of giving to the Speaker more room. I think there is no possible combination of rooms in reference to the Capitol building which our special committee did not carefully consider. The substitute resolution, of course, concedes, as every Member of the House concedes, the absolute necessity in the orderly conduct of the business of the House that the Speaker shall be given better quarters than he now has as the office of the Speaker. So that matter no longer requires discussion. The proposition of the special committee in the resolution is to give to the great Committee on Ways and Means, the ranking committee of the House, which does its work principally at the time when it is making up tariff legislation and having tariff hearings, the finest suite of office rooms, I dare say, in the United States, certainly the finest in the city of Washington—to give to that committee the large room at the southwest corner of the new Office Building on the third floor, which of itself is the finest room in this city of fine rooms, and the best adapted room for the purposes for which the Ways and Means Committee is particularly constituted. We have marked on the plat standing in front of us the four rooms which our committee has proposed to give to the Ways and Means Committee. We propose in addition to that to give to that great committee a room in the Capitol building, for the present the room now occupied by the Speaker, so that the members of that committee may have in the building next to the Hall of the House itself, a room where they may retire and where they may meet their friends.

The proposition offered now by the Committee on Ways and Means is to shift some other committee. Mr. Speaker, I have learned during the time I have been chairman of this special committee that every committee of the House is willing that some other shall be discommoded. My own judgment is, and I wish to express that as the conclusion which I have reached myself, that in the end both the Committee on Ways and Means and the Committee on Appropriations will have to leave the two sides of the House, east and west, and then the rooms now occupied by the Committee on Appropriations in the end will be reserved for the use of the Members of the House as the Marble Room is used on the Senate side of the Capitol. [Applause.] I do not believe that because we have erected a great Office Building for the benefit of the Members of the House that therefore we ought to deprive the Members of the House, in the Chamber and in the Capitol, of the privileges which they now enjoy or which they ought to enjoy. The first proposition that was made by the distinguished gentleman from New York to us was that we take off a part of the corridor of the lobby of the House. I protested so far as I was concerned, I never would bring to the House a proposition to take away the privileges which the Members now enjoy, and I think that this proposition is equally bad. Not only is the proposition to shift the Committee on Pensions, but to move the file room and to absolutely cut off any possibility in the future of making that part of the building over for the benefit of Members of the House, and they propose to discommodate every Member of the House who has occasion to use the file room.

Not long ago, or when this proposition first came up, I submitted to the Superintendent of the Capitol a proposition in reference to the possibility of moving the file room. He submitted the proposition to the Clerk of the House; and I have the letter of the Clerk of the House in response to that, in which he says that it would be a great error, in his judgment, to discommodate the Members of the House by moving the file room of the House off the floor of the House. A few years ago we expended \$20,000 in fitting up the file room and the vaults in connection with the file room. The files of this House go down below this floor and they go to the roof of the Capitol. The proposition now is to take the files where? Possibly over to the new Office Build-

ing. We have found no place here to put these files where they ought to be outside of the floor of this House. The files are constantly used by the officers of the House; they are constantly called for in the conduct of the business of the House.

Now, I have the greatest regard and respect not only for the great Committee on Ways and Means, but for the members of that committee. If I thought for a moment that we were interfering with the dignity of the committee, I would not offer the proposition I have presented; but I fail to see how it in any way reflects upon the dignity or might of this committee of the House when we give to them not only a room in this building adjoining this Chamber, but give to them, by long odds, the best suite of rooms in the new Office Building.

Mr. Speaker, there have been many times when the gentleman from New York would have been glad to ask us to give him the room now occupied by the Speaker, and I wish to give him an opportunity now which I had hoped before that he would accept with pleasure. He would have dignified the room if he were to occupy it officially as Speaker of the House [applause], and it is no reflection upon him and no reflection upon his committee. After considering this matter without bias, without personal interest, without any inclination to do anything except that which was for the best interest of the membership of the House as a whole, we have reported the resolution now under consideration. We offered to the Ways and Means Committee in the Capitol building almost every other suite of rooms in the building, or were willing to do it, but we could see no place which they would accept; and while they desired that the Speaker should be taken care of, he should be taken care of at the expense of the Committee on Appropriations, at the expense of the House in the moving of the file room, and at the expense of the Committee on Pensions. I have no desire to make any reflection upon the committee. The matter is for the House to determine. Our committee knew that they ought to at least bring the matter in some tangible shape before the House. The Committee on Appropriations, I take it, is prepared and able to defend their own claims and their own interests. In our judgment, it would detract from the benefit of the Committee on Appropriations to shift it to the three rooms, as now proposed—practically three rooms, two of which are separated—and I believe that, without intending the slightest reflection on the committee, if the Ways and Means Committee will go to the new building and during the next session of Congress—if the fall elections should be Republican—will carry on their tariff hearings through the next session, they will leave the halls of Congress and the corridors free from the crowd which otherwise will pour in here, and that after they have occupied those rooms three months nothing will bring them back; and if perchance the country should be so afflicted in the fall elections as to favor the gentlemen upon the other side of the House, and a special session should for any reason be called, then the distinguished gentleman from Missouri [Mr. CLARK] would have the privilege of occupying these rooms as Speaker and let the new Committee on Ways and Means conduct its tariff hearings in this beautiful suite of rooms in the new building, and they never could be brought back into this building. I reserve the balance of my time.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. NORRIS. I want to ask the gentleman from Illinois a question on a different phase of this subject. I notice in the resolution which the committee has reported that they give to the Committee on Ways and Means the room now occupied by the Speaker for temporary purposes. I would like to ask the gentleman if his special committee has taken into consideration the possibility of another elevator coming up in the lobby of the House where the Speaker's room now is occupied by the Speaker?

Mr. MANN. The room now occupied as the Speaker's room in the end, I take it, will be used by the House for the purpose of bringing up not only one, but probably two additional elevators, bringing up Members from the subway to the floor of the House, these two elevators to be for the exclusive use of the Members. That would of course take away from the Ways and Means Committee that room.

But if the House should, for a good reason, order the Speaker's room to be used for elevator purposes hereafter, we have guarded against that, and expect to be able to provide without difficulty, on this floor of the House, adjoining this Hall, another room for the use of the Ways and Means Committee without conflict.

Mr. NORRIS. I call the gentleman's attention to it, because I know there has been a good deal of conversation between

Members on this side, and there is no doubt that some additional means of gaining admission to the House on the part of the membership will be necessary.

Mr. MANN. Absolutely necessary.

Mr. NORRIS. I think so; and in order that there may be no misunderstanding, I would suggest that the word "temporary" might be modified, so that it would be understood that this ought not to be given to the Ways and Means Committee for a longer period than the end of the session.

Mr. MANN. That is what we would put the word "temporary" in there for. The gentlemen of the House will all understand the difficulty of making a great many shifts of committee rooms when you have no starting point. I think the Members of the House who have dealt with our committee will bear me out in the statement that, outside of the distinguished Committee on Ways and Means and the Committee on Appropriations, which our committee have not been able to move in any way, all of the chairmen of committees who have dealt with our committee—and I think we have dealt with every other chairman in some way—have found out that we have dealt with them in the utmost frankness and fairness.

Mr. NORRIS. I think so.

Mr. MANN. And we have taken care of them as well as possible. Now, if this resolution be adopted in its present form we will be able, before this session is over, to present to the House a proposition which I am sure will meet with the approval of the House, and give to the Ways and Means Committee another room besides the room now occupied by the Speaker on this floor, accessible to the House.

Mr. NORRIS. I am not finding fault with the gentleman, but at the same time it seems to me that there ought to be an understanding that this particular room now occupied by the Speaker can not be used by any committee longer than the present session.

Mr. DALZELL. Will the gentleman indicate what this room is that he is going to give to the Committee on Ways and Means?

Mr. MANN. I would if I thought it would do the gentleman any good or that it would have any effect.

Mr. DALZELL. I assure the gentleman that it would do me a great deal of good, and I should like to know about it; and I think there are some other gentlemen here who would like to know, who are interested in the question.

Mr. MANN. I will tell the gentleman what he wants to know, for he wants me to say it, and I will be perfectly frank about it. It will be either the room of the Committee on Military Affairs or the room of the Committee on Pensions, and I may say to the House that we are prepared to present to the House, if this resolution goes through, a proposition which will meet the approval of either the Committee on Military Affairs or the Committee on Pensions for a transfer of the rooms. But we can not do that in advance, because we can not carry the plans through unless we know where we start from. It is not proposed to present any plan which will not meet with the full approval of the Committee on Military Affairs or the Committee on Pensions, but I have talked with the members of these committees, and with their chairmen, and I am warranted in making the assertion which I have.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the Committee on Ways and Means has no fear for the dignity of that committee, for the rank of that committee in the House, and do not think that it depends upon a question whether they have a room here in the Capitol or rooms over toward Long Bridge, as the gentleman has proposed, or whether they have any room at all. So long as that committee is in charge of framing the revenue laws confided to the House by the Constitution, it must and will be the ranking committee of the House.

Now, Mr. Speaker, because of that fact the committee and the members of the committee must be in touch with the business of the House. During the nine years I have had the honor to be chairman of it no man has ever heard me in this Hall say that by virtue of such chairmanship I was the leader of the majority, and only because it becomes necessary to illustrate this matter do I say so to-day. And because of that fact I have felt it my duty at all times during the sessions of the House to be here in person and be present at all the sessions whenever any business of importance was transacted, or otherwise. I have found it not alone convenient but absolutely necessary to have some room within easy access of this Chamber where I might retire for a moment to talk with the various Members of the House—and that happens every day—where I might go to meet some gentlemen, not Members of the House, but still interested in the legislation of the House, and that happens every day.

I have felt that it was indispensable that this committee should have some room on the floor of the House adjoining the Chamber, not only for the chairman of the committee but for the other members of the committee, the ranking member of the minority, the ranking member next to the chairman in the majority of the committee, who have frequent and daily occasion to use a room adjacent to the Hall of the House.

This proposition came through the newspapers last fall, to my utter astonishment, because I remember that when the first act was passed for the Office Building it was to authorize the Superintendent of the Capitol to prepare plans for a building for offices for Members of the House, not a word being said about committee rooms. An examination of the statutes since has shown me that not only offices but committee rooms were specified in the succeeding appropriation. It is very easy for an appropriation to slip in in an appropriation bill without Members' attention being called to all the purposes of the appropriation.

Now, Mr. Speaker, when I came here I met the gentleman from Illinois [Mr. MANN], who spoke about these magnificent rooms over in the Office Building. I went to look them over to see whether they would be convenient for the work of any committee of this House. The gentleman talks about the most beautiful room in this city of beautiful rooms. Of what practical use is a room 60-odd feet long by 30 feet in width for a committee in this House, a room which has been reported to me by gentlemen who were there during the late hearings before the Agricultural Committee as being a room in which it was very hard to hear what was going on, a room which was spoken of in the Outlook, in an article, as a room in which they could not hear what was being said? I had hoped it would be a good room for committees of the House when they had a large hearing to assemble and conveniently take care of the business of the hearings. I had not dreamed that any such room as that was to be given any committee of nineteen men for the purpose of transacting the business of the committee. The three other rooms are smaller than any committee room in the Capitol; they are neither of them large enough to accommodate the committee meetings, and it would have to meet in the large room, for it would not be convenient for the business of that committee to meet in the small room.

I told the gentleman from Illinois that I did not see how this committee could properly discharge its duty, not alone while forming a tariff but during any year that Congress is in session, because hundreds of bills go to that committee, scores of hearings are had at every session of Congress, and at all times it should be necessary for it to have a convenient room in which its business could be transacted.

Mr. SHACKLEFORD. If the gentleman will allow me, I want to ask how many bills have been reported out of that committee at this session of Congress?

Mr. PAYNE. I do not know how many and I do not care how many. There have been many, many bills at every session.

Mr. SHACKLEFORD. But I want to ask the gentleman—

Mr. PAYNE. I do not care to bother with the gentleman now until after I get through. He can get the floor by and by, when he can score the Speaker of the House or some other gentleman.

Mr. SHACKLEFORD. That is not the issue just now. I will do that when the time is ripe.

Mr. PAYNE. Now, the gentleman from Illinois [Mr. MANN] met that question by saying that he would not think of moving this committee without giving them a proper room on the floor of the House. Well, we have this resolution, and we have it after what has occurred in the House with reference to moving the Committee on Military Affairs. The gentleman from Illinois [Mr. MANN] said that his committee had not attempted to force any committee to move over, and he said they would not attempt to force the Committee on Military Affairs to move over, and struck from the resolution all reference to the Committee on Military Affairs. And that corner seemed to be closed for any room to the Committee on Ways and Means. One day, without notice—of course the gentleman was not bound to give notice—he introduced this resolution into the House. What does it provide? Why, he already said to us that he wanted to use the Speaker's present room for an elevator; that it was essential to use it for that purpose, and he provides that we may use it temporarily. He says now he is going to provide a room for us—either that of the Military Affairs or the room of the Pension Committee, on the opposite corner of the House—and now he comes here and says that everyone seems to be willing that any committee should suffer inconvenience except his own. Yet the only committee in the House that has offered to do anything to relieve the Speaker and give him more quarters now is the Committee on Ways and Means, by the proposition

which it brings in here to-day offering to surrender those rooms for the balance of the session or until such time as proper rooms can be fixed for the Speaker on the other side of the Chamber. I suggest to the gentleman that the Committee on Appropriations could be accommodated and the Committee on Ways and Means could be accommodated by committee rooms on the floor of the House, adjoining the Chamber. I suggested to him to take possession of the file room and the room of the Committee on Pensions. He is very tender of the Committee on Pensions this morning and says we propose by our substitute to drive them out of the Capitol. Then, almost in the same breath, he says he proposes to give them rooms where they will be better accommodated if this resolution passes, in order that the Ways and Means Committee may have that room over there. I proposed to him to take those two rooms and give them to the Committee on Appropriations and let them keep their present room in the middle of that side of the Chamber, giving them three rooms as large or larger than they have to-day, and that the Speaker take the two rooms from which the Committee on Appropriations would move—rooms, one of which was occupied by the Speaker for years up to the time the office was made for him over here in the corridor; give him those two rooms and let the Committee on Appropriations have those three rooms.

Mr. LIVINGSTON. Will the gentleman pardon a suggestion?

Mr. PAYNE. Yes.

Mr. LIVINGSTON. When Mr. Carlisle, as Speaker of the House, was assigned a room next to the elevator he remained there but two years, and absolutely begged to get away from there for these reasons—

Mr. PAYNE. Well, it had been occupied by Speakers for years before that.

Mr. LIVINGSTON. He was bound to give it up, and gave it up because of the noise of the elevator.

Mr. PAYNE. I do not know how about Mr. Carlisle; but if we give that room over there of the Committee on Ways and Means to the Speaker of the House we may have some other Carlisle who says that he is too close to the elevator, and he will want to move away from that room.

Mr. LIVINGSTON. There is no elevator over there.

Mr. PAYNE. Why, there is an elevator there. The gentleman ought to go and look at the location. [Laughter.] The elevator is as near to the door of the room as this is over here. Mr. Speaker, what was the answer to that proposition? Why, the file room could not be changed. We sent for the Superintendent of the Capitol, and he said he could make the changes of the file room and shift them to a room below and fit up those two rooms for committee purposes inside of two weeks. Then the gentleman from Illinois [Mr. MANN] presented a letter from the Clerk, in which he said he would want to make an inventory of all the files before they were moved and that it could not be done during the session of the House. Then we said to them, We will vacate those two rooms there now. Give us a room here in the Capitol or we will go over yonder, even for the rest of this session of Congress, and then after it is over remove the files and fit up those two file rooms and give them to the Committee on Appropriations and to the Speaker of the House. The gentleman says that it is discommoding two committees to do that. What two committees will it discommode? Will it discommode the Committee on Appropriations to shift them to offices over on the same floor to the adjoining Hall of the House? Is that discommoding the Committee on Appropriations?

Mr. LIVINGSTON. One of the three 30 feet away.

Mr. PAYNE. He says that it would discommode the Committee on Pensions, and yet he proposes himself to discommode the Committee on Pensions or on Military Affairs by moving them somewhere else.

Why, he has given the Committee on Pensions now an extra room over in the Library; let him give them another room in that vicinity. He can take care of the Committee on Pensions. No, no, gentlemen; the idea of the gentleman from Illinois is that the Committee on Ways and Means shall be subject to all the discomforts arising out of this matter; put it upon them rather than have some other of the committees of the House share the burden. What is our proposition? Give the Speaker those two rooms now. Now, let our committee take that room and another in the Capitol, to be assigned during the remainder of this session; then let the files be removed and those two rooms be fitted up for the Committee on Appropriations, and they will be accommodated. But, he says, the files cost \$20,000. Now, the files cost just \$12,400. Of course these things grow as years flow by, but, according to the report of the Superintendent of the Capitol, that is what they cost. They can be removed without harm, without injury, without loss, and at very little expense.

Mr. MANN. I may say to the gentleman that may be the report of the Superintendent to him, but that is not the report the Superintendent has made to me.

Mr. PAYNE. It is the report the Superintendent made in 1902, if that was the year he put the files in, to the Congress of the United States. If he has made a subsequent report, I think he should be held to his official report. What is the answer to that proposition? Why is it not fair and just to the Members of the House, and at the same time it gives the Committee on Ways and Means quarters here adjoining the floor of the House in which they may transact their business? We have hearings at every session, and those hearings it is impossible to adjourn at 12 o'clock, and if we are in there having a hearing we could come on the floor at a moment's notice; and if we are over there in the other end of that building, two blocks away, we must adjourn the hearing at least ten minutes before 12 and compel people who come here from a distance to stay over until the House has adjourned or until the next day.

Now, it seems to me, gentlemen, that the Committee on Ways and Means have met this matter fairly. They have never, not one of them, said a word against taking care of the Speaker by giving him two appropriate rooms convenient to him. They offer to incur inconvenience at this session of Congress in order that he may have those rooms at once. It seems to me the House ought to vote the substitute offered by this committee in the disposition of these rooms.

I reserve the balance of my time and yield to the gentleman from Missouri such time as he desires.

Mr. CLARK of Missouri. Mr. Speaker, I do not have any idea that the Republic will cease to exist, no matter how this question is determined. Still, it is a matter of a good deal of interest to members of the Ways and Means Committee and it is a matter of some importance to the other Members of the House. My friend from Illinois offers me a very tempting bait—that after the 4th of next March, in my capacity as Speaker, I will occupy these rooms now occupied by the Ways and Means Committee. [Applause and laughter.] I used to have a constituent named Nat C. Dryden, a very brilliant man, who was very fond of giving out this dictum, "A bird in the hand is the noblest work of God." [Laughter.] I am the ranking Democratic member on the Committee on Ways and Means, and no matter how the cat jumps at the next election I suppose, as a matter of ordinary courtesy, I would retain that place if the House were Republican; if Democratic, why, "Barkis is willin'" in the matter of the Speakership. [Applause.] The situation about the Speakership is this: There are 391 Members in this House. One of them is Speaker, and not a single one of the other 390 would decline it if offered to him on a silver platter. Now, the Speaker has a small room. In the present exigency in which the presiding officer of this House finds himself he ought to have two. [Laughter and applause.] There are three sorts of people who wait on the Speaker—one set on business, another set on business, and another set just to see the Speaker and shake his hand. That room is not as commodious as it ought to be for the Speaker. I freely admit that. Certainly he ought to have two—perhaps three. I will tell you how I feel about that in connection with the Speakership. The first time that my wife and I ever attended a White House dinner she was assigned to the Peruvian minister to take her out to dinner. She could not talk any Peruvian [laughter] and he could not talk much English, and though she is a very fine talker, the conversation lagged somewhat.

But, sitting on her right was Mr. Secretary of State John Sherman. She had never been introduced to the Secretary, but she recognized him by his pictures. She had frequently told me privately that she intended that if she ever got close enough to him to ask him about the "Crime of '73." [Laughter.] They scraped up an acquaintance, and Secretary Sherman explained to her how the President and his wife were bedeviled with all sorts of people and how unsanitary the conditions of the house were, and that it wore the President and his wife to a frazzle, and endangered their health—even their lives. After drawing as gloomy a picture as he could, he asked her, "Madam, would you be willing to see your husband live in this house four years with all that trouble and danger and under those conditions?" With that good sense which she exhibited when she picked her husband, she said, "Yes; I think I would." [Great laughter.] She said she was willing to take the chances of insanitary conditions and nervous prostration to see her husband in the White House for four years. Well, I would like to see the Speaker have two rooms. I would be perfectly willing to accept the Speakership with one or even without one. [Laughter.]

To be perfectly frank, gentlemen, it is necessary that the Speaker have two rooms. There is no question about that. No difference who he is, he ought to have them. When you go in

there to see the Speaker you have to talk in the presence of four or five men, maybe a dozen. It may not be a matter that is strictly confidential, and yet you do not like to have everybody listen to what you say, and he has either to turn them out or talk in their presence. That is the first proposition about it.

When the gentleman from Illinois [Mr. MANN] first broached this matter to me, to be perfectly frank, and I ought to be, my understanding was that the Ways and Means Committee and the Appropriations Committee, and the two rooms for the Speaker, could not be provided on this floor—all three. I was very much disposed, in order to keep peace all around, to go over yonder into the Office Building. I investigated the situation for myself, and that is always the best way to do about anything, anyhow, if you have the time. I found out that there is no sort of trouble about it on the face of the earth; not a particle. And this substitute provides the only way out of it; and therefore I am in favor of the substitute. It gives the Speaker two rooms over here in the southwest corner, where he was for some time; it moves the Appropriations Committee up a peg, or a room, and gives that committee three good rooms; and I think they ought to have three good rooms. Of course, in order to do that the Pension Committee would have to vacate; but the Pension Committee has one room in the old library part of this building, and I suppose as a matter of ordinary common sense they would rather have the two rooms together.

You can not fix it up on the east side of the Hall of the House because of this opening out here, this big room which is used by the press; and, of course, in hot weather everybody wants those doors open. I think sometimes that the architect who planned this Capitol ought to be dug up and hung, anyhow [laughter], because the Hall of the House and the Senate Chamber both are rooms inside of rooms, and the truth is that each one of them ought to have been a room clear out by itself, so that the sunshine and the air of heaven could come in on all four sides of it. That, however, is not the case. Of course this arrangement proposed by the gentleman from Illinois [Mr. MANN] for the room that the Speaker has now for the use of the Ways and Means Committee is purely temporary.

Everybody knows there must be more elevators. I have quit going up and down on this one at all, because it is so much trouble. You have to wait so long. There ought to be an elevator over on the northeast side for visitors and one in the northwest corner for visitors and other people. Then there is another objection to it. My warlike friend from Iowa [Mr. HULL] is the chairman of the Committee on Military Affairs, which has that room out in the corner, and we could not get it if we wanted to. It will cost some money, of course, to move these files, and it will cost some money to fix those rooms up over yonder in the Office Building. That is the whole situation so far as this floor is concerned. I am not going into a discussion here of the relative rank and dignity of committees.

It is not a matter of rank or dignity. The gentleman from New York [Mr. PAYNE] stated that correctly. So far as I am individually concerned, if it were as convenient and we could attend to the business of this House as well, I would just as lief be over yonder, if they would give us rooms as good as these, which they could not, because I do not believe they have got as good to give. But here is the truth about it, and we might as well recognize it. There are certain committees of this House which have to work all the time practically. Some of them do not have so much to do. The Committee on Appropriations works incessantly; constantly coming and going here when votes are being taken. It is the same with the Ways and Means Committee, but not so much, perhaps, just now as it is with the Committee on Appropriations. But it is not true that the labors of the Ways and Means Committee are restricted to getting up a general tariff bill, by any manner of means. I will tell my friend from Missouri [Mr. SHACKLEFORD] the situation about the bills in there. There are a great many bills reported by that committee. No tariff bill has been reported out of the committee, and everybody knows the reason why. There is no use going into that. Our friends on the other side are afraid to let any kind of a tariff bill come in here. They fear some way or another we will precipitate a tariff debate. But there are a whole lot of bills before that committee that are not tariff bills. The gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and others are reporting bills out of there all the time. I will tell my friend from Missouri that there are seventy-five or one hundred "pop-gun tariff bills" in there, as they used to be called. Every one of those bills has got to be voted on in that committee, and I will see to that myself, with other Democrats of the committee. [Applause.] Of course, the chances are that they will be voted down, but they will have to be voted upon. They will have to be considered. Now, since this matter

has come up we have spent two entire meetings, besides about half of another, considering this question as to the rooms. We find that a big room over there that is 90 feet one way and 60 feet another—

A MEMBER. Sixty by 30.

Mr. CLARK of Missouri. Sixty by 30, as somebody says. That is big enough. The first time we were invited over there by the gentleman from Illinois [Mr. MANN]—there is no more pleasant and accommodating man in Congress than he; he is doing his best to be a peacemaker. He invited us over there one morning. I went over. It was when the Committee on Agriculture was hearing some argument about forestry. There was a big crowd in there; the room was filled when I got there. I happened to get a position about the door, and I could hear every word that was said; but I was in a position where I stood facing the man who was making the speech. The gentleman from Colorado [Mr. BURNING] remarked after we got out into one of these little rooms that the big room was full of echoes. I determined to examine it, but I never heard any more about it until the other day, when we had that great peace conference of over 200 men there, and my friend from St. Louis [Doctor BARTHOLOMEW] was nominated as the American candidate for the Nobel peace prize. It happened on that occasion that I was seated in the far end of the room, not clear back, but about four seats from the rear, and that room is as full of echoes as any cavern in America is full of bats. [Great laughter and applause.]

Mr. MANN. Will the gentleman permit just a short statement on that subject?

Mr. CLARK of Missouri. Certainly.

Mr. MANN. That room was full of echoes, and always will be full of echoes when it is empty. When we located the Committee on Agriculture there for that forestry hearing, and I went to the room and wanted to see about putting them into it, I told the Superintendent of the Capitol that there never could be a hearing in that room because of the echoes, unless we filled it fairly well with furniture. We put some hangings over in the room and some furniture, and that was absolutely remedied. When the room is fully furnished there will be no echo.

Mr. CLARK of Missouri. Well, I hope that is true. I do not know anything about it.

Mr. POU. For the information of the gentleman from Missouri, I want to state to him that a gentleman sitting by me says he could not hear one word.

Mr. MANN. I was there myself.

Mr. CLARK of Missouri. I do not want to detain the House, and I am going simply to restate the reasons why the resolution of the gentleman from Illinois [Mr. MANN] should not prevail.

Everybody recognizes the fact that the Speaker ought to have more rooms. Everybody recognizes the fact that the Ways and Means Committee ought to have a room on the same floor as the House and adjacent to it. Everybody recognizes that the Appropriation Committee ought to be in the same condition, and the substitute offered by the gentleman from New York [Mr. PAYNE] accomplishes that, and it is the only proposition that can be made that will accomplish it. I repeat the statement that it is not a question of dignity. We are all equal here. It is a question of rendering service to the House and to the country, and it is absolutely ridiculous to expect members of the Appropriation Committee, or members of the Ways and Means Committee either, to stand around here in these corridors and discuss with men propositions that involve thousands and hundreds of thousands and even millions of dollars, with the stream of people going through and shaking hands and speaking to them all the time and interrupting anything they may have to say. Now, gentlemen, a fair deal is a fair deal, and that is all we ask in the premises in this controversy. [Applause.]

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. TAWNEY. Mr. Speaker, I rise for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. I want to know what time is allowed for debate on this resolution?

The SPEAKER. The gentleman from Illinois has one hour and has used a part of it and reserved the balance of his time. The gentleman from New York has an hour, has used a part of it, and reserved the balance of his time.

Mr. TAWNEY. I ask to be recognized in my own right.

Mr. MANN. Of course I am perfectly willing to yield the floor and let the gentleman from Minnesota take the floor in his own right.

Mr. TAWNEY. I am willing to take my time from the gentleman from Illinois.

Mr. MANN. How much time does the gentleman want?

Mr. TAWNEY. Five or ten minutes.

Mr. MANN. I will yield for the present ten minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the proposition presented by the gentleman from New York as a substitute for the resolution presented by the special committee is one that concerns the convenience of the House, the convenience of every individual Member of the House, and affects, or would affect, the transaction of the business of this House. It is not because of any personal inconvenience that I may suffer if this is adopted that I am opposed to its adoption.

There is another question which it involves, that is the convenience of the Speaker of the House, whoever he may be, whether the present Speaker or the gentleman from Missouri. One of the three rooms now occupied by the Committee on Appropriations, the south room, up to 1887 was occupied by the Speaker of the House. It was then Speaker Carlisle who occupied that room. The gentleman from Georgia was not entirely correct as to the reason why Speaker Carlisle of necessity abandoned that room. When that room was given to the Speaker there was no elevator at the end of that corridor, and access to the press gallery was not then by the means of that elevator, and it was not as crowded as at present. When the first elevator was constructed, and access to the press gallery obtained thereby to that corridor, representatives of the press then, as now, came to that corridor and called out Members and conversed with them; that also being the only public elevator in that corridor, it was filled by people who were being interviewed by members of the press gallery and people who were attending upon the hearings of the Committee on Appropriations. So that the Speaker, when he came out of that room to the floor of the House, was not only hampered very much in getting along, but everybody that wanted to see him was there for the purpose of waylaying him and detaining him and annoying him, and for that reason Mr. Carlisle of necessity voluntarily gave up that room.

Now, Mr. Speaker, the proposition of the gentleman from New York, I say, involves the convenience of the House, not only in relation to the business of the Committee on Appropriations, but especially in respect to the files of the House. Gentlemen who have no idea of, or who are not familiar with, the use Members make of that file room should go and inquire of the clerks in the file room, and they will be astonished at the number of Members and the number of visits by the same Members to that file room for the purpose of examining the files of the House. So that the proposition to remove the file room without a statement of any information whatever as to where that file room will go, and to what extent the House uses the files in the transaction of its business—to that extent the House is inconvenienced as well as individual Members and the business of the House, as I say, interfered with.

Now, with respect to the Committee on Appropriations, Mr. Speaker, it is proposed to give the committee the file room and the room now occupied by the Committee on Pensions; and the gentleman from New York [Mr. PAYNE] says that will give the Committee on Appropriations the same room it now has. To that statement I can not agree.

Mr. HAMILTON. Where is it proposed to move the file room?

Mr. TAWNEY. There is no statement as to where. The proposition of the gentleman from New York does not say where the file room is to go, but it will have to go somewhere else, either in the Office Building or in some room other than a room upon this floor. The proposition to give to the Committee on Appropriations the Pension Committee room would not seriously interfere with the work of the Committee on Appropriations were it not for the fact that that room is detached from the other two rooms and necessarily limit the working space of the Committee on Appropriations to two rooms. It would give the chairman of that committee what he does not have now—a private room. That private room would be the committee room now occupied by the Pension Committee; but the working space for the committee would then, if this proposition is adopted, be limited for all practical purposes to two rooms. Now, the files and records of the Committee on Appropriations are, for the convenience of the committee and its subcommittees, necessarily kept in the middle room, and we have now, as you all know, three rooms. The general committee meets in the middle room. The files and records of the committee are kept there because one or the other of the subcommittees of the Committee on Appropriations are in session practically all of the time. I have made an examination and I find that on an average the Committee on Appropriations meets once every day during the session, either the full committee or a subcommittee meeting every day on an average—every day in the session, including the holiday recess. During the first session of the last

Congress that committee took 3,290 printed pages of testimony in the examination of the estimates submitted to Congress. During that same session that committee wrote 260 pages of the statutes that were enacted. And it is, I say, without any boasting, a committee that in my judgment requires more convenience for the transaction of its business than any other committee in this House. If the Committee on Ways and Means revised the tariff every session of Congress, their work then could be compared with the work of the Committee on Appropriations. I am not making any comparison at all. I have no quarrel with the Committee on Ways and Means. I served on that committee for ten years. I know the importance of the work that it has to do. But I speak of this for the reason that I want the House to understand that the enormous work which the Committee on Appropriations has to do requires all the conveniences that are obtainable, and with two rooms it will be practically impossible to do that work. Some gentlemen will say that it is only eight or ten years since the Committee on Appropriations had two rooms. That is true, but the work of that committee is constantly increasing. The appropriations reported from that committee during the last session of Congress aggregated \$482,000,000. Gentlemen know that that committee must of necessity conduct its hearings, and for that purpose the committee rooms we now have are constantly occupied by subcommittees and by those who are waiting to be heard before the subcommittees. During the past two weeks both subcommittee rooms were occupied and there was no space whatever for the people waiting to be heard, except in the main committee room, and when members of the committee went to their rooms for the purpose of writing letters or transacting business with anyone they almost invariably found every seat around the main committee room table occupied and were obliged either to stand up or go out into the corridor, owing to the congestion of business at certain times in that committee. In view of the fact that this room, known as "the Pension Committee room," is so far away, is detached by a distance of some 30 or 40 feet, there would then have to be a main committee room where all of the files would be kept, and the proposition of the gentleman from New York would necessarily limit the working room of the committee to the two rooms, the one we now have and the file room, and that, in my judgment, will not only very seriously interfere with the transaction of the business of that committee, but will also delay the business of the House.

Mr. MANN. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, on behalf of some of my modest associates on this side I wish to announce, first, for the benefit of Members of that side of the House, that they must not consider that everything in the gift of the Democratic party is already foreclosed, and that perhaps there may be some other gentlemen perfectly willing to occupy the Speaker's quarters when Democrats come to elect a Speaker, although none would grace them better than the gentleman from Missouri [Mr. CLARK]. But I wish to call the attention of the House to the fact that the Members of this House will be more inconvenienced by any action of the House that will impair the efficiency of the work of the Committee on Appropriations and the members of that committee than by anything else that could be done. Members of the House frequently have many matters that they desire to ascertain about and to consult with members of the Committee on Appropriations. The scheme proposed by the gentleman from New York [Mr. PAYNE] has not only been investigated by the special committee, but it has been investigated by all those who have a particular interest in the matter. While I am not in the confidence of the administration of the House, I have no doubt that the Speaker himself must have been consulted, must have considered this matter carefully. If he had a personal preference, I have no doubt that he would prefer to occupy the rooms so long occupied by him as chairman of the Committee on Appropriations, and yet his long service in this House, most of it as a member of the Committee on Appropriations, must have convinced him that any action that would impair the efficiency of the work of that committee would be a serious disadvantage to the efficiency of the work of the House; and however much his personal preference might be to occupy rooms on that side, I have no doubt that in the interest of the efficient work of the House he has consented to the resolution to occupy the rooms upon the other side of the House. Nothing is of more importance in this matter than the concession made here on the floor by the chairman of the Committee on Ways and Means. Nobody suggests that the Committee on Appropriations could be dislodged during the present session of the House. It would be utterly impossible for the House to transact its business, if that were attempted. Yet the chairman of the Committee on Ways and Means admits that if he be given a

room for his personal convenience adjacent to the House, and I am convinced that he should have it—whoever is chairman of that committee should have a room adjacent to the House—his committee is willing to remain in the air for the rest of the session. It is apparent the committee will have nothing of real importance to do during the entire session of the House. It is true the committee does have some hearings, it is true the committee will report some bills, but the real work of the committee and the work of greatest importance to the country is in the preparation of the general tariff-revision bills. My information is that when that takes place, the committee does take itself from the rooms now assigned to it to some more secluded place, where they can do their work with comfort and convenience. The suggestion to move the files of the House from where they are at present located and to shift the Committee on Appropriations, so that instead of having three rooms available for its work it will only have two, will result in nothing but disorder and in the impairment of the efficiency of the work of the House. The Members who have had occasion to consult with those associated in the work of the committee, who of necessity are compelled frequently in discharge of their duties to go into the committee for information, not only about bills to be reported or the items in the bill, but about estimates, about what has been done in the past, about what the law is, and about particular items, will realize that if the Committee on Appropriations is disarranged so that its facilities are impaired, the Members of the House themselves will be seriously affected.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, my objection to the resolution of the gentleman from Illinois [Mr. MANN] is that, in my judgment, he is attempting to move the Committee on Ways and Means out of this House without any necessity whatever for that action. I have served on both the Committee on Ways and Means and the Committee on Appropriations since I have been a Member of this House. I think I can say that I know the inside workings of both those committees, and I know that it is of absolute importance that both of these committees should be located close to the Hall of the House. It is just as important that one should be there as the other. Both these committees are committees in the work of which every Member of the House is more or less interested. They should be located where every Member can speedily consult the clerks of the committee. If there was no other way to arrange the proposition so that the Speaker would have two rooms, I should say that one of those committees should move out of this House, because I concede the proposition that it is of the utmost importance that the Speaker of the House should have a retiring room, where people who have business with him could go and consult him without stating that business to everybody who was in the room. But the matter can be arranged. It may inconvenience one or the other. Members of the Committee on Appropriations complain that if the substitute is adopted it will inconvenience them. It can not possibly inconvenience them to the extent that the members of the Ways and Means Committee will be inconvenienced by requiring them to move entirely out of the building. Now, the gentleman from Minnesota says that, giving them rooms located along this gallery where the pension room and file room are located at present, they will have two disconnected rooms. These rooms are disconnected to-day, but there is no difficulty in connecting them. There is a hallway that runs under these marble steps that is used as a retiring room by the Committee on Pensions now and always has been, and all you have to do is to cut a doorway from that hallway into the file room and you have three rooms connected together, just as the three rooms of the Committee on Appropriations are connected to-day, and it is no inconvenience for a man to walk down a broad hallway that is wider than this central aisle now, for 20 feet, in coming to the room. The only inconvenience that can be caused to the Committee on Appropriations by making this move is the question of moving their effects from the corner room down there to the corner room here. If you adopt this substitute, you give the Committee on Appropriations just exactly the accommodations they have now. You do not inconvenience the Committee on Ways and Means, and you give the Speaker of the House exactly what he wants. Now, there is one thing more I want to say, and I know this from experience. The Committee on Appropriations does not need as large a room for its hearings as the Committee on Ways and Means does. Most of the hearings before the Committee on Appropriations are held by a subcommittee composed of five men—

Mr. CLAYTON. May I interrupt my colleague?

Mr. UNDERWOOD. Yes, sir.

Mr. CLAYTON. I understand the gentleman to say the Committee on Appropriations does not need as large a room for hearings as the Committee on Ways and Means.

Mr. UNDERWOOD. Yes, sir.

Mr. CLAYTON. This may not be exact, in my opinion, under the stand-pat tariff policy that is now being pursued by the dominant party, but when we have, as I hope and believe we will have in the next Congress, a Democratic majority, and that therefore the Ways and Means Committee will resume its duty and do some business, and that committee at that time will need a large room—

Mr. UNDERWOOD. Unquestionably it will, for a Democratic majority will enact just, proper, and needful laws.

Mr. CLAYTON. So, with an eye to the future and the public good a Democratic Congress can and will do, and looking to a revitalization of the now defunct Committee on Ways and Means, I hope ample provisions will be made for it. However, I am inclined to support the proposition advanced by my colleague.

Mr. UNDERWOOD. I thank my colleague for his support.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. I will ask the Chairman of the Committee on Ways and Means to yield me two minutes.

Mr. PAYNE. I yield the time the gentleman desires.

Mr. UNDERWOOD. Mr. Chairman the statement I was making at the time of the interruption by my colleague was this, that the Committee on Appropriations does not need as large a room as the Committee on Ways and Means does; that a hearing before the Committee on Appropriations consists of five men, a subcommittee, with the Clerk, and one witness at a time is called—

Mr. LITTLEFIELD rose.

Mr. UNDERWOOD. Just let me finish this sentence—that only one witness at a time is called before the Committee on Appropriations. When he goes out, another is called in; but when you have a hearing before the Committee on Ways and Means you have a number of people from all over the country and a large crowd of people coming there who want to hear what the witnesses say.

Mr. TAWNEY. Will the gentleman permit—

Mr. UNDERWOOD. Wait until I finish my sentence—therefore the largest room adjacent to the House, the largest convenient room that you can use on this floor, is the room that is now occupied by the Committee on Ways and Means. The Speaker does not need as large a room as that, but the Committee on Ways and Means does need it, and it is the only room of that kind you can give them on this floor.

Mr. LITTLEFIELD. I would like to make this inquiry, if it is not true that when we really get down to doing any business, the Committee on Ways and Means will need a good deal larger room than they have now?

Mr. UNDERWOOD. If we could have them in the Hall of the House, it would be—

Mr. LITTLEFIELD. I have been in the room of the Committee on Ways and Means plenty of times when they were having a hearing and you could hardly get a chance to stand—

Mr. UNDERWOOD. That is true.

Mr. LITTLEFIELD. Then you ought to go over to the other building, where you can have a larger room. [Laughter.]

Mr. UNDERWOOD. Not at all; the gentleman might as well say we had better go to New York, or Chicago, or Atlantic City, or somewhere else.

Mr. LITTLEFIELD. That may be, provided the office building is practically located in New York or Chicago.

Mr. UNDERWOOD. We ought to have a larger room than we have if we can get it here, but that is the largest room on this floor, and for the convenience of the committee and for the convenience of the House we ought to be permitted to stay here.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, we have now three connecting rooms in which we transact the business sent to the Appropriations Committee from this House. It is proposed to take these three connecting rooms away from the committee and in place of them to give them two connecting rooms and one room, disconnected, a distance, at least, of 30 feet away. That practically, Mr. Speaker, confines the Committee on Appropriations to two small rooms.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. LIVINGSTON. I have only five minutes.

Mr. CLARK of Missouri. Very well.

Mr. LIVINGSTON. And when I get to the end of this sentence I will hear you. No one has suggested, Mr. Speaker, that the Committee on Appropriations should be moved to this new

Office Building, no one in this House would dare make such a proposition. That settles the question of the importance of the Appropriation Committee being near the Hall of the House, where the Members can get access to the committee and where the committee can, on the calling of a roll, come in and vote. The gentleman from Alabama [Mr. UNDERWOOD] is badly mistaken when he says that we need no room except for five or six witnesses. When we call the War Department or any one of the Departments before the committee, we have got to furnish a room in which they can sit and wait until they are called, one by one, before the subcommittee.

Mr. UNDERWOOD. They have got a separate room to wait in.

Mr. LIVINGSTON. They will not have a separate room to wait in if your proposition be adopted.

Mr. UNDERWOOD. Not at all, and give you the same space.

Mr. LIVINGSTON. The importance of that committee, Mr. Speaker, can be seen by a reference to what they do. During the last session of the last Congress the Committee on Appropriations averaged a meeting every day of that session, either the whole committee or a subcommittee, and during the holidays, when this House was in recess, we were meeting every day. And during that time the committee took 3,994 pages of testimony, and the appropriation list, over which it has jurisdiction and which was represented there and had to be consulted, composed 260 pages of printed matter. That committee at that session sent into this House bills covering \$482,980,810.23. That much work has not been done by the Ways and Means Committee in ten years. The Members of this House are constantly consulting the Appropriations Committee because of these facts, namely, that we handle the appropriations for public buildings, river and harbor contract items, Light-House Service, expenses of United States courts, as well as the compensation of the entire civil list of the Government. There is not a day from the beginning to the end of the session when there are not Members running from this Hall into that committee room for information. I am not mindful at this time and do not care where you put the Ways and Means Committee. They deserve good rooms. They deserve all the facilities for transacting their business that we can afford to give them, but why should you disconnect the Appropriations Committee, and, as the chairman told you truthfully a few moments ago, leave us practically only two rooms to do business in? You are able to furnish a place for the Ways and Means Committee, but to do that the gentleman from New York [Mr. PAYNE] says that we must be displaced and this House inconvenienced from day to day and month to month. Why such logic as that? How can that appeal to the minds of the Members of this House?

I yield back all the time that I have left.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I think it may be well to place before this body the experience of a Member who had some part in the framing of a tariff law, while we are considering whether it be wise to shift the Committee on Ways and Means permanently from this building, although there is a certainty that some kind of a tariff measure will be reported to the next House.

I assume nobody here doubts, whatever may be the outcome of the coming election, that the next House will pass, or at least consider, some kind of a tariff bill. I was concerned in the framing of one, and I venture to say that, while a tariff bill is under consideration, if the Committee on Ways and Means have not a convenient room for meeting close to the House, the majority members will be compelled practically to withdraw themselves from active participation in the business of the House itself.

Perhaps gentlemen do not realize that the Committee on Ways and Means is perhaps the only committee, with the exception of the Committees on Election, where members divide on party lines. Members of course, do not admit they divide on party lines in the Committees on Election. They do not always do it, thank heaven, but very frequently, I may say usually, they do. In the Committee on Ways and Means they always divide on party lines. The most important part of the work which falls to that committee in framing a tariff is performed by the members constituting the majority. They sit almost continuously separate from the other members, and obviously if they must meet at a distance from the House they can not diligently attend its sessions. These majority members of the Committee on Ways and Means are generally important Members of the House. If the resolution of the gentleman from

Illinois [Mr. MANN] be adopted these Members must choose between their duties in the committee and their duties in the House. They can not discharge both properly and completely. They can not frame a tariff bill without listening to representations of hundreds and thousands of persons on matters concerning not merely their own prosperity, but the very existence of their industry. And these hearings, conferences, and consultations extend to every single item in a vast number of schedules.

Majority members of the committee can only discharge their duties properly in both places if they be given accommodations contiguous to the floor, so that they can easily come here and vote upon measures as they arise and return to their own room for examination and consideration of those matters so essential, not merely to the welfare of the persons who appear before them, but the entire industrial system of the country.

Now, Mr. Speaker, contrast for a moment the arguments that are made upon both sides of this question. It is true that the Committee on Ways and Means at this session, when in all probability no important party measure will be reported, are confined to the discharge of routine duties in reference to the revenue; but even in that comparatively narrow department of their duties there are matters of grave importance constantly arising which involve hearings to large bodies of men. The Committee on Appropriations, it is conceded on all sides, must be contiguous to the House. Everybody concedes the Committee on Ways and Means ought to be contiguous to the House. Can these two positions be harmonized? I think they can. I think the substitute offered by the gentleman from New York provides for suitable accommodation for both committees. What is the argument that the Committee on Appropriations advance against the change in their quarters suggested by the gentleman from New York? Simply that they are more comfortably situated in their present rooms.

No one has pretended seriously that efficient transaction of their business would be rendered impossible by removal to the rooms mentioned in the resolution of the gentleman from New York [Mr. PAYNE]. The Committee on Ways and Means, represented by its chairman, by the gentleman from Missouri, the ranking Member of the minority, and others with experience gained by service on the committee, know that when it shall be called upon to discharge its most important function it must have rooms contiguous to this body and to the floor of this House if its members are to continue active Members of the House.

The gentleman representing the Committee on Appropriations, its chairman, makes an argument here of convenience, not necessity; and whose convenience? Why, not of the Committee on Appropriations, but the convenience of the Speaker. He tells us that to reach the rooms suggested by the gentleman from New York the Speaker might be forced to mingle with some persons who throng the west end of the Hall, and thus he would probably enjoy stricter isolation if he came and went at this end of the Chamber.

If there be any such risk the Speaker does not complain of it. Indeed, this Speaker, who is admirably described by the gentleman from Missouri as an expanding quantity in the politics and public life of America, has no fear of mixing with anybody. In passing to and from the room that may be assigned to him, I do not think he would have the slightest objection to contact with any American citizen. He is entitled to the privacy the gentleman from Missouri describes when called upon by Members of the House in the ordinary discharge of his duties. That he surely will have inside the doors of the two rooms assigned to him under the resolution offered by the gentleman from New York.

Now, what I want to repeat is this: From all the statements made to this House it is clear that the Committee on Appropriations can do its business, and do it well, in the rooms which will be assigned to them under the substitute offered by the gentleman from New York. The Committee on Ways and Means can not do its business thoroughly over in that Office Building when it comes to the discharge of its most important function if its members undertake at the same time to do their full duty as Members of the House. Between an argument of convenience and the argument of necessity, I assume this House will be governed by the necessities of the situation and that it will adopt the substitute offered by the gentleman from New York.

Mr. MANN. I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, I must confess my profound astonishment that this substitute amendment should have been offered. What does it involve? It raises an issue, and undoubtedly, as I shall show, that issue is not between the Com-

mittee on Appropriations and the Committee on Ways and Means. If the substitute amendment be adopted, it will result in the moving of the file room and the room of the Committee on Pensions; and if these removals result in great inconvenience to Members, then the issue is between the House and the Committee on Ways and Means. I contend that the real question is whether the convenience of the membership of this House shall be considered and respected, or whether a mere whim upon the part of the Ways and Means Committee is to be gratified. Now, consider the situation. The Ways and Means Committee insists on the removal of the file room, and in addition the removal of the Committee on Pensions. Every Member of this House at some time during the session of Congress makes a visit to the file room, many of them a number of visits. Is not that true?

Mr. DALZELL. I will say to the gentleman that I have not been in the file room in ten years.

Mr. HILL of Connecticut. I have been a Member of this House for thirteen years and I have never been in the file room.

Mr. BURLESON. I am sorry that gentlemen will make an open confession of the fact that they have neglected their duty as Representatives in such a way. We all know that this file room is an essential adjunct of the House, and its proximity is for the convenience of the membership of this House, and further, that it was in the recent past made fireproof and specially prepared at great expense for our House files. We also know that every Member of this House, first and last, during the session of the Congress, makes frequent visits to the room of the Committee on Pensions. Now, I submit in all candor to the Members of this House, how frequently do you visit the rooms of the Committee on Ways and Means? How often is it necessary for a Member of this House who does not belong to that important committee to go to the rooms of the Committee on Ways and Means? I would not say anything to belittle the dignity or the importance of this great committee; if I attempted to do so, I could not do it. Mr. Speaker, I admit it is an important committee. Sometimes, about once during a decade, and, as at present constituted, from present indications about once in two decades, it will do important work.

I assure you that I would not for the world say anything that would wound the feelings of the membership of this great committee, but looking the situation square in the face, one must admit that except three members of the committee who hold other positions, the membership of the Ways and Means Committee are practically drones. They do practically nothing. I must confess that they do this most gracefully, and not infrequently with great vociferation, and they will do it quite as well if located in the Office Building as from a room contiguous to this Hall. Now, coming down to the proposition, whether you will vote for this substitute or adopt the original proposition offered by the gentleman from Illinois, I have shown that if you consult your own convenience you necessarily must adopt the resolution offered by the gentleman from Illinois.

The gentleman from New York [Mr. COCKRAN] has said that it is absolutely necessary that in the preparation of a tariff bill this great committee should and will be engaged continuously for weeks, in a room contiguous to this Hall. Mr. Speaker, that same argument might be used, and with equal force, in the case of the Rivers and Harbors Committee or the Committee on Agriculture or the Committee on Public Buildings and Grounds whilst they are engaged in the preparation of a bill. As a matter of fact, and every man here knows it, the serious work done in the preparation of a tariff bill is not usually done in the rooms of the committee. The Dingley tariff bill was prepared, as we all have been told, in the Cochran Hotel in this city.

Every man here knows that the serious work done in the preparation of the Wilson tariff bill was done in a room set apart for that purpose in the Treasury building; and while I do not vouch for the accuracy of the statement, I have frequently heard it said that the schedules of the McKinley tariff bill were prepared in a hotel in Atlantic City, in the State of New Jersey.

Mr. COCKRAN. Will the gentleman allow me?

Mr. BURLESON. Certainly.

Mr. COCKRAN. Was the gentleman a Member of the Fifty-third Congress?

Mr. BURLESON. No; but I know something of the history of that distinguished body.

Mr. COCKRAN. The Committee on Ways and Means had but one room at that time, and there was no place, therefore, where the majority Members could meet apart from the others, and the bill was prepared by the majority. It was only when the Congress was in session and all Members had a right to

use the room that the majority were driven to a room in the Treasury Department. While the House was in recess, we occupied the room here all the time.

Mr. BURLESON. The gentleman confesses that when the House was in session the committee voluntarily went to the Treasury Department, far removed from the House; and yet the burden of the gentleman's argument was that it was absolutely necessary that at all times, especially while preparing a tariff bill, this important committee should occupy rooms contiguous to this Chamber.

Mr. COCKRAN. The gentleman must misapprehend me. I am sure he would not misrepresent me. We had but one room then.

Mr. BURLESON. My time is limited, and I decline to be interrupted by the distinguished gentleman from New York, who, to my mind, is somewhat illogical. [Laughter.] Gentlemen, the question, as I submitted it to you in the beginning, is not an issue between the Committee on Appropriations and the Committee on Ways and Means. I state to you in all seriousness and candor that it is an issue between yourselves and the Committee on Ways and Means.

Mr. BOUTELL. Will the gentleman in charge of the resolution [Mr. MANN] yield for a question for information? There seems to be a conflict of statement by those who are discussing this proposition. Has it been definitely determined that the file rooms will not in the future be moved for any purpose?

Mr. MANN. My colleague, who ordinarily is so extremely lucid, knows that no one can determine what will or will not be done in the future. You might as well ask me when I was going to die.

Mr. BOUTELL. I certainly do not want the gentleman to die; but the chairman of this committee can give no assurance that the file room will not be moved?

Mr. MANN. I can not assure the gentleman what the House will do to-day. I have brought in a resolution which does not contemplate moving the file room, and the gentleman from New York and my colleague from Illinois propose to vote for a proposition which will move them. How can I guarantee what the House will do?

Mr. PAYNE. I now yield five minutes to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, if this were a question between the Members of the House and the Ways and Means Committee, the argument of the gentleman from Texas might appeal to the membership. I submit, however, Mr. Speaker, that this is not a question between the members of the committee and the membership of the House. It has already been stated upon the floor of this House this morning, by the gentleman who has presented the resolution, that in time it is expected that the file room will be removed from the space it now occupies and that the Pension Committee will also be moved from that place to some other quarters, so that the convenience of the Members of the House is not to be considered in the retention of the file room and the Pension Committee room.

Mr. WILLIAMS. Do I understand that the gentleman in charge of the bill has made the statement that some time in the future the file room will be removed?

Mr. BONYNGE. He said he hoped and expected that the file room would be removed and the Pension Committee moved, so that ultimately we might make out of that space a room similar to the Marble Room in the Senate end.

Mr. MANN. I made the statement that we would have a room contiguous to the floor of the House.

Mr. BONYNGE. But the gentleman said that the file room would be moved somewhere from where it is. The ideal solution of this question is that the Appropriations Committee, the Ways and Means Committee, and the Speaker should all have accommodations in rooms upon the same floor as the Chamber of the House. The Ways and Means Committee, through the substitute offered by the gentleman from New York, has offered the only solution by which that purpose can be accomplished.

Now, I want to say a few words upon a feature of this question that has not been discussed. I am referring now to the work of the Ways and Means Committee when it is not preparing a tariff measure. The chairman of the committee, perhaps, felt some delicacy in referring to his duties as leader of the majority. By virtue of his position as chairman of the Ways and Means Committee he is the leader of the majority upon the floor of this House. It ordinarily has happened also that the ranking member of the minority of the Ways and Means Committee also occupies the position of leader of the minority upon the floor of the House. In the Ways and Means

Committee room we have the complete record of all the tariff measures that have been passed, all the Treasury decisions, the CONGRESSIONAL RECORDS, the Supreme Court decisions, and a library of reference books. The Members of the House will appreciate that very frequently it becomes necessary for the leader of the majority or the leader of the minority to go to this committee room and refer to these reference books in order to come before the House and present to it some data. What are you going to do when you remove our library, with all its reference books, and put them over at the southwest corner of the Office Building? Whenever such a question would arise, it would be necessary for the leader of the majority or the leader of the minority to go all the way over to the far end of the Office Building, away from the House, and before he could get back with the information necessary to be presented to the House the House itself would have gone on to some other business.

The Speaker of the House should have additional accommodations, and the Ways and Means Committee is the only standing committee of the House that has to-day offered a measure by which the Speaker will be given immediately adequate additional accommodations. The substitute offered by the gentleman from New York provides for an additional room to the Appropriations Committee rooms and gives that committee three contiguous rooms, where they will be adjacent to the floor of the House, and I ask that the substitute be supported.

Mr. MANN. I now yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, as to a part of what the gentleman from Colorado [Mr. BOYNGE] has said, it is not founded in any experience of my own. As a member of the Ways and Means Committee, their room was never anything to me as the minority leader, even while I was senior member of the Democratic side of the Committee on Ways and Means. I have never even kept my coat and hat in there. I regarded it as the office of the majority leader of this House and his Republican colleagues. The House has given to the minority leader another room which he regards as his. Now, as to running in and out of the Ways and Means Committee room to consult this valuable library to which the gentleman from Colorado has referred, I do not suppose any of us have run in and out for that purpose to any alarming extent.

I want to say right now that if there shall be any proposition offered in the future to remove the file room from where it is, I shall vigorously oppose it. It seems to me that the file room, being readily accessible to the House, right at one of its doors, is twenty times of as much importance as any three committee rooms being close to the Hall of the House.

The Speaker of this House ought to have better quarters. He ought to be either in that corner, the southwest, or in this corner, the southeast, I do not care which; but a sufficient objection to the substitute offered by the gentleman from New York [Mr. PAYNE] is that it does remove the file room from where it is. I heard a moment ago the interruptions to the gentleman from Texas [Mr. BURLISON], and I stepped into the file room and asked what was the average number of Members who daily called in the file room, where the index clerk is, and where the file clerk is, and where all the files are, and they told me the number runs from forty to fifty daily. Now, then, it is of much more importance for the membership of the House generally to have the file room close to the House than it is to have there either the Committee on Appropriations or the Committee on Ways and Means. It has been appropriately said this morning when the majority party, whichever party it is, is fixing up a general tariff bill, it does not fix it up in the Ways and Means Committee room. Hearings are had there very frequently, and all that, but the men meet for real action elsewhere. It has become a habit for the majority members to meet by themselves and form a tariff bill and the minority members to meet by themselves and get ready their amendments and their substitutes.

Mr. Speaker, I do not care anything about the quarrel between these two committees. I think that the entire country is going to be amused to-morrow morning when it picks up the CONGRESSIONAL RECORD or the newspapers and discovers that this little committee fight betwixt Tweedledee and Tweedledum has been going on. One thing is evident to everyone, and that is that the Speaker of this House, the highest in authority and highest in power in this entire Government except one officer, ought to have some rooms more commensurate with the dignity and the duties of his high office. It is an absolute shame that the Speaker of the House should have the little cuddly in the corner there where he is now, and it is necessary and it is right that he should have at least two rooms, and

probably more. He has his clerks there—the parliamentary clerk of the House, and all the business of the House has to be transacted there—Members coming all the time to ask for recognition for unanimous consent, party conferences going on all the time, because in a certain sense the Speaker of the House is also the leader of the majority. So it seems to me as between these two contending factions, my vote should be cast upon the side of the report of the committee and against the substitute offered by the gentleman from New York [Mr. PAYNE], not because the rooms of the Committee on Ways and Means would be any better for the Speaker than the rooms of the Committee on Appropriations, but because the proposition to take the Appropriations Committee rooms for him involves the idea of moving the file room.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. MANN. I will say to the gentleman that I have two or three to whom I desire to yield a short time, and if the gentleman prefers, I will do that first.

Mr. DALZELL. Yes; I do. I will reserve my time for the present.

Mr. MANN. I yield three minutes to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, as a member of the committee on allotment of committee rooms, I wish to say that this committee has had a very troublesome task in trying to adjust this matter and determine what ought to be done to provide suitable rooms for the Speaker. I can say I am sure that no member of this committee has been entangled in any way in the disputes between these two great committees, Ways and Means and Appropriations, but we have done the very best we could with the opportunities which presented themselves to provide rooms for the Speaker and at the same time arrange for these two committees as well.

Mr. MADDEN. Do I understand the gentleman to think that there is a dispute between these two great committees?

Mr. LLOYD. Mr. Speaker, I can not answer that question, because I have not heard all of the debate, but I judge from what has occurred in the last ten minutes that there has been quite a dispute.

Mr. MADDEN. Not at all.

Mr. LLOYD. If there has not been any dispute, I take it that the action of the committee will be indorsed, and there will be no trouble about providing a place for the Speaker. All I have to say is this, that I am anxious that something shall be done, and we have been unable to find anything else that is practical except to provide as we have done in the pending resolution for the Speaker by giving him rooms that are now occupied by the Committee on Ways and Means, and by furnishing the Committee on Ways and Means, in the new Office Building, most excellent quarters. I yield back the balance of my time.

Mr. MANN. I yield three minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, as members of the special committee to assign rooms, we do not feel it incumbent upon us to persuade the Members of this House as to matters of convenience to themselves. When we undertook to arrange to place some committees over in the new building in order to afford Members greater convenience here, we were confronted by the fact that the file room was here, and here for all the Members, and had to stay here, and we were confronted by the further fact that we must have the present room of the Speaker to install an additional elevator, and the further fact that the quarters occupied by the Committee on Ways and Means were the most suitable for the use of the Speaker, and that he must have other and better accommodations. We have nothing to do with any fight between the two committees as to the comparative dignity, greatness, and importance of those committees or their members. I wanted to move both away from here, leaving this floor for the benefit and convenience of Members [applause], but it was made manifest to us that the Committee on Appropriations must necessarily remain in rooms accessible to the House. I withdrew my insistence in that respect for the present and contended myself with agreeing to this resolution in the usual form brought in and adopted by the House in other cases, to move the Committee on Ways and Means to the most suitable apartments conceivable for its use and the most palatial headquarters for a committee that any Member of this House ever saw. [Applause.]

Mr. DALZELL. Mr. Speaker, the appearance on the floor of the last two gentlemen emphasizes what I was going to call to the attention of the House. This special committee that proposes to fire the Ways and Means Committee, noliens volens, consists of five members. The report that is now before the

House is sustained by three of those members, the two minority members and the gentleman from Illinois. It does not meet the assent of the other two Republican members. Secondly, I find it has been circulated about the House that this proposition offered by the gentleman from Illinois is the Speaker's proposition and that the Speaker is for it, and I have been told by several gentlemen that they are going to stand by the Speaker. Now, I want to say something about that. I want to say that the Speaker has said from the very beginning of this controversy that he was willing to stay, so far as he was personally concerned, just where he was; that the only thing that he had in mind was the convenience of the Members of the House; that so far as the rooms to which it was proposed to move him were concerned he had absolutely declined on every occasion to every person to express any opinion. Now, then, so much being cleared out of the way, what is this proposition?

Mr. LANDIS. Does the gentleman mean to leave the impression with the membership of this House that the Speaker is entirely satisfied with his present quarters?

Mr. DALZELL. Oh, not at all. The Speaker has said so far as he is concerned he is willing to stay in his present quarters. Nobody wants him to do that—

Mr. LANDIS. But the gentleman recognizes the embarrassment under which the Speaker rests in the midst of this discussion. [Applause.]

Mr. DALZELL. Undoubtedly, and all this declamation about wanting to take care of the Speaker is just so much declamation for the reason there are no two opinions on the subject. There is no one who does not assent to the proposition that the Speaker must be taken care of. There is nothing involved in either of these propositions that does not look to the taking care of the Speaker. Now, there are three parties who are interested in being kept on the same floor as the Chamber of the House.

It is necessary, it is important that those three parties should be kept on this same floor. Now, the question is, Can they be kept on the floor without doing unreasonable inconvenience to any of them? At first it was suggested that the Committee on Appropriations could be moved over to the three rooms adjoining the Chamber on this end, and two rooms on the corner be given to the Speaker and that the file room be removed. The answer made to that proposition was that the file room could not be removed while the House was in session. Very well, then, the Committee on Ways and Means assented and said that they would let the Speaker have the room of the Committee on Ways and Means during this session, and that they would temporarily occupy the room now occupied by the Speaker, and let the present situation, so far as the Committee on Appropriations is concerned, continue during the remainder of this session. After the session adjourns, then let the file room be removed, let those three rooms at this end of the Capitol be fitted up as committee rooms to be occupied by the Committee on Appropriations and the two rooms at the other end, which are equally advantageous, so far as the Speaker is concerned, as the two rooms at this end, be assigned to the Speaker. Now, to my mind, there is no answer to that proposition except this, that gentlemen object to the removing of the files. Well, I do not know whether I have been derelict in my duty as a Member of the House or not, but I have been a Member of this House for twenty years and I have not been in the file room on business six times during all that time. I may not, perhaps, be so diligent in my business as the gentleman from Texas [Mr. BURLESON], but that is my experience. The Superintendent of the Capitol came before the Committee on Ways and Means and said that the files could be removed and the rooms prepared as committee rooms in fifteen days; that he could find in this Capitol a suitable place for the files, and the whole work could be done during the vacation. Now, then, accepting that situation, you have the Committee on Ways and Means taken care of, you have the Speaker taken care of in two of the best rooms on this floor, you have the Committee on Appropriations taken care of with as much space as they have now. So far as the little hallway connecting the file room with the room now occupied by the Pension Committee is concerned that, to my judgment, is an advantage, because it gives an additional space in which a typewriter can be put, and it gives also a private room at that end of the Capitol.

Now, then, why ask the Committee on Ways and Means to go way over to that Office Building? The gentleman from Texas [Mr. BURLESON] says that except when we are making a tariff bill the Committee on Ways and Means have nothing to do. Why, Mr. Speaker, the most important legislation on the statute books of this last ten years came from the Committee on

Ways and Means. From that committee came the Porto Rican tariff bill, a bill involving great constitutional questions; from that committee came the Philippine tariff bill; from that committee came the war-revenue bill; from that committee came the repeal of the war-revenue bill; from that committee came—and the rooms were filled while we were considering the question—the bill making denatured alcohol free of tax. Cuban reciprocity occupied the attention of that committee during two entire Congresses, and yet we are told that the Committee on Ways and Means does nothing except when it is making a tariff bill. Now, Mr. Speaker, we want nothing in this matter but justice. We want a fair deal. We want to accommodate all these three parties on the floor of the House, where they ought to be, and the question is not which one of the three parties we shall pick up and fire, no less volens, over into the Office Building, but how we can accommodate all of them right here, where they ought to be.

It is objected that the file room ought not to be moved. In one breath the gentleman from Illinois [Mr. MANN] tells us that we ought not to remove the file room, and in the next breath he tells us that the time is coming, and not far distant, when the file room will be removed and we will have a marble room on that side of the Capitol.

Now, about the rooms over in the Office Building. Why, you might just as well send a committee of this House into the chamber of this House itself as to send them over to that proposed room to do any business. Think of putting nineteen men, sitting at a table, in that tremendous big room, that runs clear from the third floor to the roof of the Office Building. It is ridiculous to talk about—simply absurd. If we are going to be sent over to the Office Building, you will have to provide some other quarters for us. Those are of no practical importance.

I end as I began—we want justice, and that is all. We want a square deal. We want to stay where we are entitled to stay and where the Committee on Ways and Means has been from time immemorial. [Cries of "Vote!"]

Mr. MANN. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I should be glad to discuss some propositions which for lack of time I shall not touch upon. The gentleman from Colorado [Mr. BONYNGE] said that the proposal of the Ways and Means Committee was to give the Committee on Appropriations three contiguous rooms. I do not know what constitute "contiguous rooms" according to his understanding. It gives the Committee on Appropriations two rooms, and a third room between 30 and 40 feet away, separated from these two rooms by the great marble staircase going up to the gallery, and with no means of communication except a narrow hallway running under the stairway.

I want, in this connection, to pay a feeble tribute to a humble servant of this House. For more than thirty years Mr. Courts has been acting as assistant clerk or clerk of the Committee on Appropriations—a Democrat, I believe, in politics—and yet so invaluable are his services that he remains as clerk of that committee whatever party may be in the majority in this House. [Applause.] Frequently two subcommittees of the Committee on Appropriations are meeting in different rooms, divided by the main room of that committee. This invaluable man is passing back and forth from one subcommittee to the other constantly, aiding all of us. To attempt to set apart to us two rooms separated from our third room by 30 or 40 feet of corridor is largely to destroy the usefulness of this invaluable man to the committee and the House and greatly impair the convenience of discharging the work of the Appropriations Committee.

Now, if I had time I would discuss the fact that the rooms proposed to be given to the Speaker by the committee are much larger than the rooms proposed to be given him under the Ways and Means Committee proposition. I would discuss the difference between the situation at the two ends of this corridor, the one used by the public and the other used for Members and their families under the order of the Speaker, but having so little time I have seen fit to present the necessity for quarters for the Appropriations Committee, where the services of this clerk of that committee may be utilized by the two subcommittees that are so often required to be in session at the same time.

I yield back any remaining time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. How much time have I remaining, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. MANN. Mr. Speaker, it is a matter of great embarrassment to me to bring this proposition before the House. When I offered the resolution in the House at the beginning of this

session for the appointment of a special committee to assign these rooms, I understood that it had been settled that the Committee on Ways and Means was ready and willing to move.

We went on with the work. Our committee has met sometimes praise; usually the other thing. The abuse which the gentleman from New York and the gentleman from Pennsylvania thrust at me to-day is not new. Every committee wanted more than could be given it. Members of the House desired to have better rooms than could be given to each one. When we presented the proposition for the distribution of rooms to the Members, many Members protested; and yet when it was all over everybody was satisfied that the arrangement was the best that could possibly have been brought into the House. Now, we are not proposing—and I hope the House will understand that—we are not proposing to give to the Committee on Ways and Means poorer quarters than they have now. Our proposition is to give to the Speaker better quarters than he now has, and to give to the Committee on Ways and Means better and more ample quarters than they now have, and leave the Committee on Appropriations where it is. Their proposition is to give to the Speaker poorer quarters than we propose, to give to the Committee on Appropriations poorer quarters than we propose, and to keep to themselves, without yielding a thing, the present inadequate quarters which they have. The gentleman from Pennsylvania talks about the room over there being too large—how can nineteen men fill the room? But he forgets who the nineteen are! [Great laughter and applause.] The room over there is twice the size of the room in here; only twice the size of the room in here; but every Member of the House who has ever attended a meeting of the Committee on Ways and Means of any importance knows that this room is too small and inadequate for the learned gentlemen who sit around the table there and the great number of people that come to be heard. Aye, more; when the next tariff bill is to be made, and men from all over the country come here to be heard, if the Committee on Ways and Means occupies that room, that corridor will be filled, not with Members of the House, not with people calling on Members of the House, but filled with people from all over the country, waiting in the corridor as an ante-room to the Committee on Ways and Means. We offer to the committee a proper committee room, a proper anteroom, a proper clerk's room, and a private room for the chairman in the new building, and a room contiguous to the Hall of this House in this building. More could not properly be asked; more could not be given. Our proposition was reached without bias. I have no sympathy in any personal envies and jealousies of the members of the Committee on Appropriations and the Committee on Ways and Means. The sole object of our committee has been to bring in a resolution which would best take care of the interests of the House now and in the future.

I move the previous question on the resolution and substitute.

The SPEAKER. The gentleman from Illinois moves the previous question on the resolution and upon the substitute.

The question was taken, and the previous question was ordered.

The SPEAKER. The vote will be taken on the amendment in the nature of a substitute.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. DALZELL. Division!

The House divided, and there were—ayes 62, noes 151.

So the substitute was rejected.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 44. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

S. 140. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho;

S. 156. An act to provide for the purchase of a site and the erection of a building thereon at Bellaire, in the State of Ohio;

S. 418. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota;

S. 654. An act to increase the efficiency of the veterinary service of the Army;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana;

S. 1761. An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina;

S. 3001. An act to rectify the boundary line of Rock Creek Park;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4171. An act to provide for continuation of investigations of the rivers and water resources of the United States;

S. 4368. An act to provide for the purchase of a site and the erection of a public building at Wilson, N. C.;

S. 4454. An act authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee;

S. 4567. An act to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters, to take the place of the revenue cutter *Dexter*;

S. 5043. An act authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation; and

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.; and

H. R. 2429. An act granting an increase of pension to Elizabeth H. Olcott.

#### ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17288, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

The CHAIRMAN. There was pending last night at the time when the committee rose a point of order reserved by the gentleman from Minnesota.

Mr. HULL of Iowa. Mr. Chairman, the point of order was simply reserved.

Mr. Chairman, at the adjournment last night the point of order was reserved on the first paragraph in the bill, increasing the pay of the enlisted force of the Army. I want for a minute to call attention to what the increased pay will be for a company of infantry. The gentleman from Virginia [Mr. HAY] very properly called attention to some large increases, and referred to some of the enlisted force being increased as much as 100 per cent. I stated, I think, while he was speaking, that there were none of the enlisted force increased as much as 100 per cent. I find there was an increase of 100 per cent in one class especially that we specially provided for, and that was the musicians, and with the large increase we also provided that they should not be permitted to compete with civilian bands, so that it would deprive the band of one means of increasing the amount paid them by the Government, as the law stands to-day. We also increased cooks 100 per cent. I did not at the time have these two classes in mind. The amount

of increase of totals I find, after investigating the matter, is not as great as even I thought it would be. I have received since Congress convened to-day from the Department a carefully prepared table, which I want to put in the Record here, especially on that proposition.

It is a table showing the comparative cost of a company of infantry during the civil war, the Spanish-American war, and under the proposed increase before the House. A first sergeant during the civil war received \$24; during the Spanish war \$30, because he had the increased pay of 20 per cent in time of war. The present proposed flat rate is \$45 to begin with.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Yes.

Mr. HAY. Does he not get the increase of 20 per cent if he serves in the Philippines?

Mr. HULL of Iowa. Yes; both under present and proposed laws if he serves in the Philippines; but what I wanted to refer to specially in this was the very proper warning of my friend from Virginia as to the enormous cost in time of war of a large volunteer army that would naturally be called into the service. That is the purpose I have in showing that that large volunteer army would not receive a large increase of pay for its enlisted force unless the war should continue for more than three years, because the volunteers would come in under the flat pay which is proposed by our increase. The amount of pay that is given here for these different grades will be increased under this law if they should remain in the service for additional periods of enlistment. There is no controversy between my friend and myself on this matter, and I am not now using this in any criticism of what was said, but believe that it should be given to the House for the information of all of us.

The quartermaster-sergeant in the civil war received \$20; in the Spanish war \$21.60. The present proposed pay is \$30, and so on down the list. But the total is what I want to get at, without taking up the time of the committee.

Mr. NORRIS. There is an increase in the pay of the private soldier?

Mr. HULL of Iowa. A private in the civil war received \$16 after the first two years of the war; in the Spanish war he got \$15.60 on the first enlistment, because he got the additional 20 per cent pay by reason of service in time of war. The present rate of pay is \$15, with an increase for reenlistment of \$3 for the first two enlistments and \$1 for each subsequent reenlistment up to the seventh.

Mr. NORRIS. What is the time of the first enlistment?

Mr. HULL of Iowa. Three years.

Mr. NORRIS. A man would have to serve three years before he would get the benefit of the increase?

Mr. HULL of Iowa. Yes; before he would get the benefit of the \$3 increase.

Mr. NORRIS. Is that true of the officers also?

Mr. HULL of Iowa. The officers have to serve five years before they get any increase. Now, the total number in a company on a war footing is 125 men. The cost for one month of a company in the civil war was \$2,106. The cost in the Spanish war was \$2,079, and the cost under this bill will be \$2,151, not a very large increase.

Mr. SLAYDEN. I have not seen these figures, and I should like to ask the chairman of the committee, is he considering the \$2 additional pay that we are giving in this bill?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. And it only makes that slight difference in the cost?

Mr. HULL of Iowa. Only makes that slight difference in the total cost of a company.

Mr. SLAYDEN. Assuming original enlistment for all?

Mr. HULL of Iowa. Certainly; the flat first enlistment period.

Mr. MANN. What was the difference—

Mr. HULL of Iowa. The cost of a company in the civil war was \$2,106; in the Spanish war, \$2,079.60, and under the proposed rate, \$2,151 for a company of infantry for one month.

Mr. MANN. That is for a full company?

Mr. HULL of Iowa. Yes; for a full company.

Mr. HAY. The general per cent of increase is 35 per cent, is it not?

Mr. HULL of Iowa. I think about that.

Mr. HAY. And the whole enlisted force when they first go in receive the flat pay under the provision contained in this bill?

Mr. HULL of Iowa. Yes.

Mr. HAY. What I am trying to get at, as the years go on and these men remain in the Army, the pay necessarily increases under the provisions in the bill.

Mr. HULL of Iowa. Absolutely. The gentleman is entirely correct on that; but the point I had in mind when this table was handed me was the flat first enlistment pay. And I confess I thought the gentleman was entirely correct in making his statement yesterday. If I had made any statement on the subject I would have made exactly the same statement, that there would be an enormous increase in the pay of the large volunteer army in case of war. I understood the statement of the gentleman to be that the cost would be so enormous that it was a question whether the Government could stand it. Am I right about that?

Mr. HAY. Would not an increase of 35 per cent, with an army of 500,000 men be an enormous increase?

Mr. HULL of Iowa. Oh, yes.

Mr. HAY. That is not an excessive number to put in an army in a time of war.

Mr. HULL of Iowa. I will read through all these increases, and the gentleman will see that the tables are correct.

Mr. HAY. That may be. But we have had a great many tables and every one of them differs from the other one. Nobody can tell exactly what they are giving as the cost. I know that we appropriate every year for the Army on the present basis \$10,000,000 for enlisted men, and 35 per cent of that is \$3,500,000.

Mr. HULL of Iowa. In time of war the whole 20 per cent is to be taken off if this measure shall become a law, and we now appropriate for less than the number provided for by law.

Mr. HAY. That provision is not repealed.

Mr. HULL of Iowa. It is if the provisions we put in are carried through. That is absolutely taken off.

Mr. HAY. You do not repeal the 20 per cent for foreign service?

Mr. HULL of Iowa. No.

Mr. HAY. For foreign service in the Philippines?

Mr. HULL of Iowa. No; but that 20 per cent would add to this, just as it does to present law.

Mr. HAY. So in time of war if they served in the Philippines they would get the 20 per cent?

Mr. HULL of Iowa. Yes, unless Congress took some other action.

Mr. BOOHER. I would like to ask the gentleman a question.

Mr. HULL of Iowa. Very well.

Mr. BOOHER. I would like to have the gentleman state to the House how much the increase is over what the soldiers are getting now.

Mr. HULL of Iowa. The gentleman means for privates?

Mr. BOOHER. No; take the whole company—the officers and all.

Mr. HULL of Iowa. We do not increase the number. The gentleman means increase of pay?

Mr. BOOHER. Yes.

Mr. HULL of Iowa. We increase the orderly sergeant from \$24 to \$45.

Mr. BOOHER. Has the gentleman got it compiled so as to show what the increased pay would be for the whole company?

Mr. HULL of Iowa. I have not got the total cost for the whole company at the present rates; it is a question of addition. I can not give the difference for a company. I can only give the pay of privates and each grade of noncommissioned officers.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to ask the gentleman from Iowa if it is not impossible to answer the gentleman's question? He wants to know what the actual increase in dollars and cents would be for a company. Now, it would depend entirely on the length of service of the members of the company and the number you had in the company.

Mr. BOOHER. I want to know what the cost would be—what the advance provided for in this bill would be for a company of 100 men?

Mr. HULL of Iowa. There are 128 enlisted men in a full company. In the civil war it cost \$2,106 a month.

Mr. BOOHER. The gentleman does not get at what I want. I want to know what pay a company of 128 men would get now and what it would be under the increases provided for in this bill.

Mr. HULL of Iowa. It would be at the present time \$2,079.60 less 20 per cent; but you don't take the 20 per cent off the larger amount, but add the 20 per cent to what they already get under the flat rate to make the \$2,079. I am not mathematician enough to figure that out on the floor and give anyone a definite answer, nor do I regard it as material.

Mr. BOOHER. I supposed that the committee had figured the increase up by the month.

Mr. HULL of Iowa. It is figured on the increased pay in time of war under the present law and the proposed law.

Mr. BOOHER. I had rather have it in time of peace if we could get it.

Mr. HAY. What would be the cost for a company of infantry in time of war? What does the table show it to be under the provisions of this bill?

Mr. HULL of Iowa. The table shows that a company of infantry in time of war, with the present laws on the statute book, would cost \$2,079.60.

Mr. HAY. For what time?

Mr. HULL of Iowa. For one month; and for a company of infantry under the proposed law it will cost \$2,151.

Mr. HAY. Mr. Chairman, with all due respect to the gentleman who made the tables, that is practically impossible, because under the present law—take, for example, the pay of an orderly-sergeant, who gets \$25.

Mr. HULL of Iowa. Well, in time of war he gets \$30.

Mr. HAY. In time of war he gets \$30. Under the proposed bill he gets \$55.

Mr. HULL of Iowa. No; \$45, because we cut off that 20 per cent.

Mr. HAY. If he served any length of time he gets more than the \$45.

Mr. HULL of Iowa. I concede that; there is no controversy on the effect of length of service. I am talking about the flat first pay. That is what a volunteer army in time of war would mean.

Mr. HAY. Then that is \$15 a month more for each man.

Mr. HULL of Iowa. Yes; under this bill he would get \$15 per month. But with 20 per cent added to present pay he would get \$15.60 per month.

Mr. HAY. Every other noncommissioned officer in that company gets an increase of pay under the proposed provisions of this bill.

Mr. HULL of Iowa. Yes.

Mr. HAY. And every private gets an increase of pay.

Mr. HULL of Iowa. No; he does not. The private does not get as much.

Mr. HAY. Why, he gets more—or you mean the 20 per cent?

Mr. HULL of Iowa. Yes. A private in the Spanish war on his first enlistment, with the provision for war, got \$15.60, and under this law he would get \$15.

Mr. HAY. Noncommissioned officers all get more.

Mr. HULL of Iowa. Yes, but they are not so large in proportion when you come to warfare.

Mr. HAY. It all depends on where they serve. If they serve in the Philippines they would get 20 per cent.

Mr. HULL of Iowa. Yes; under the old law or proposed law.

Mr. HAY. And the probability is they would serve there or some place outside of this country.

Mr. HULL of Iowa. I doubt that very much.

Mr. HAY. I know we would have some there.

Mr. HULL of Iowa. If the gentleman will read this table he will see that the Department has got in the exact figures at what we fix: First sergeant, \$45; quartermaster's sergeant, \$30; sergeant, \$30.

Mr. HAY. How many sergeants?

Mr. HULL of Iowa. Six. It makes \$180 for six. Corporals, \$21, make \$210, ten corporals. Cooks, \$30—increased to \$60. There we have made an increase of 100 per cent.

Mr. HAY. Yes.

Mr. HULL of Iowa. I think the Department persuaded us that the cook was the most important part of the Army.

Mr. HAY. Yes; and I think that is very probable in some respects.

Mr. HULL of Iowa. Musicians, \$15, two of them, \$30. That is not the band. Artificers, \$15, only one; privates, \$15; so that the total adds up \$2,150, while in the Spanish war the rate was: First sergeant, \$30; quartermaster's sergeant, \$21.60; sergeant, \$21.60, making \$129 for six.

Mr. HAY. I do not want to know what the Spanish war rate is, but what the rate now is.

Mr. HULL of Iowa. The rate now would be what I first read, on the flat first enlistment.

Mr. SULZER. Do I understand the chairman of the committee to say that if this proposed amendment should become a law the enlisted men would get more pay during war time than during time of peace?

Mr. HULL of Iowa. No.

Mr. SULZER. Exactly. That is what I understand.

Mr. HULL of Iowa. If this law be enacted, the whole provision as we have given it, we shall have cut out the 20 per cent in time of war.

Mr. SULZER. That is what I understood; and I understand that the exact amount of increase of pay for the enlisted men will be about 30 per cent. It will average up to about that at the end of the enlistment, and I do not think it too much.

Mr. TAWNEY. I would like to ask the gentleman from Iowa [Mr. HULL], or any member of the committee, if he can inform the House as to the difference between the pay of a company in time of peace under the current law and under the proposed law? The comparison thus far has been in time of war, but what concerns me more especially at this time is to know the difference in the cost per company under the current law and under this proposed legislation.

Mr. HULL of Iowa. In time of peace the percentage of increase would show much larger than these tables show. I think I have tried to explain that—that in time of peace we would have to deduct from this Spanish war the 20 per cent.

Mr. TAWNEY. Why is it the committee, in preparing this proposition, coming to the House with it at a time of profound peace, did not figure on the difference in cost under existing conditions and under the proposed law, so that the House could understand what it is asked to do?

Mr. HULL of Iowa. I tried very hard to state that this table was prepared to meet the statement as to enormous cost in time of war.

Mr. TAWNEY. No member of the committee knows just how much we are increasing the Army.

Mr. HULL of Iowa. I tried to state that the other day very completely. On a full Army we have about a \$4,000,000 increase for the enlisted force. I stated that fully.

Mr. TAWNEY. But you have not as to the company organization.

Mr. HULL of Iowa. No; you can divide that by the companies. What I assumed would be wanted would be total cost.

Mr. TAWNEY. Now, I want to ask the gentleman another question—

Mr. HULL of Iowa. You do not go by companies when you make appropriations; you appropriate for the entire enlisted force of the Army.

Mr. TAWNEY. The gentleman has said that this increase for enlisted men—first enlistment—was from thirteen to fifteen dollars—

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Will you state to the House what the Government furnishes in addition to the \$15 to the man?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. And can you state what the money value is?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. What is it?

Mr. HULL of Iowa. You furnish him his clothing, you furnish him his food, you furnish him his medical attendance, you furnish him his quarters. I think it was estimated, in round numbers, that the entire allowance for the enlisted man was fairly worth about \$17 a month. Is that right, Mr. Young?

Mr. YOUNG. Seventeen dollars and seventy-three cents.

Mr. TAWNEY. Is that on the basis of thirteen or fifteen?

Mr. HULL of Iowa. Allowances are not changed. Under the current law it is \$17.73 a month, under proposed law it will be the same.

Mr. HAY. That is, plus the \$13.

Mr. TAWNEY. Now, that is important; one Member says it is \$17 plus the \$13.

Mr. HULL of Iowa. Certainly it is plus; one is pay, the other is allowance.

Mr. SLAYDEN. There is evidently a misunderstanding. The enlisted man, under the current law, receives \$13 a month; he has an allowance of \$56 and some odd cents a year for clothing—

Mr. YOUNG. A hundred and fifty-five dollars for three years.

Mr. SLAYDEN. All of his clothing is charged to him. If he consumes less than the amount allowed him in the three years' enlistment the difference in the cost of what he actually consumes and what he had a right to take under that allowance is paid him in cash at the expiration of his enlistment. I believe the practice now is to settle each six months.

Mr. TAWNEY. As I understand it, under the current law, an enlisted man under his first enlistment is receiving at the rate of \$30.73 a month, including allowances.

Mr. HULL of Iowa. That is right in one sense, but not in cash. This does not change the allowance at all. The allowance for clothing and furnishing rations, medical attendance, etc., remains the same as under the present law.

Mr. STAFFORD. Has the gentleman a computation for the other noncommissioned officers and their allowance?

Mr. HULL of Iowa. The allowances are all on the basis of an enlisted man.

Mr. STAFFORD. No greater?

Mr. HULL of Iowa. No greater and no less. The allowances

are for the grade of an enlisted man. I think for a sergeant there is a little allowance for his chevrons; that is all, I think. Now, Mr. Chairman, I want to state the whole matter is subject to the point of order, but I am glad it is withheld so it may be discussed by anyone who desires to do so. I desire to call attention to this fact, because it seems to me to be important, and to say to this House that the Committee on Military Affairs, I think, believe, without any dissenting opinion, that there should be an increase of pay of the enlisted force; that the condition of the Army demonstrates that unless something is done we are liable not to have an army, and that our responsibility to the country demands that we present to the House at least some measure of this character. If the House desires to amend it, if the point of order is not insisted upon, of course, it is open to amendment, but some measure of this character should be passed upon by Congress in the interest of the public safety, and having done that the responsibility no longer rests with the Committee on Military Affairs but with the membership of this House.

Mr. STAFFORD. Does the gentleman and the committee think that an increase of \$2 a month, \$24 a year, would be sufficient, in view of the wages that are paid throughout the country, to draw a sufficient number of men into the service to make up for the depleted ranks?

Mr. HULL of Iowa. I will yield to Mr. Young to answer that, and I will supplement his statement if necessary.

Mr. YOUNG. It would undoubtedly not be enough, if that was all there was to it. We have not any great difficulty in first enlistments. The trouble is in keeping the men who have enlisted once in the Army for a second and third enlistment.

So we increase the pay on the second enlistment from \$15 to \$18, and on that enlistment we give a bonus of three months' pay. We pay thirteen months for twelve. Also, we have increased the allowance for marksmanship to \$2, \$3, and \$5 per month, according to the degree of expertness. Very few soldiers reach the highest degree of expertness which entitles them to the \$5 a month. More than half reach the lowest degree. Some 20 per cent, I think it is, reach the second degree; but only about 3 per cent the highest degree. We find, however, that the very greatest trouble in recruiting the Army is that the noncommissioned officers go out at the end of their first enlistment. The first sergeant, the orderly sergeant, as we used to call him, and who is the father of the company in a sense, is looked up to by all the men, and if he will not reenlist the company will not reenlist. If the first sergeant finds an inducement to keep him in the ranks, then the company follows generally, and we have held out these prizes in the noncommissioned grades which every private can reach. That is the inducement, and not the pay, for the first enlistment. It is what the private has ahead of him that induces him to stay; and the committee, which has considered that question very carefully, and has had the best advice it could get from the military officers, believes it has amply met the situation, and that this bill if passed will fill our Army and keep it full.

Mr. HULL of Iowa. The gentleman has undoubtedly made an exact statement of the facts concerning that. Every private looks forward to the time when he will be a corporal and then a sergeant. Now, as the law stands to-day, the best class of privates will not accept the appointment as corporal and work on up to the sergeantcy, because he can make more on extra-duty pay than the difference, and he has not the responsibility of the company on his shoulders.

Mr. MADDEN. Under this bill that you have reported you increase the compensation of the men 15 per cent over current law for the first three years of enlistment. Is that correct?

Mr. YOUNG. It is \$2 a month.

Mr. MADDEN. That is practically 15 per cent. Then, if they reenlist for the next three years, you increase that 20 per cent?

Mr. HULL of Iowa. You give them \$18 for the second enlistment and \$21 for the third enlistment.

Mr. MADDEN. Now, do we understand that in addition to these figures you pay them \$5 a month for marksmanship?

Mr. HULL of Iowa. Not unless they qualify. We have a law now that gives each private that is a marksman \$1 a month extra, and if he is a sharpshooter we give him \$2 a month extra, and if he is an expert sharpshooter we give him \$3 a month extra. That is the present law. We have increased that so as to give the lower grade \$2, the next one \$3, and the next one \$5, so we will give an inducement to everyone who can to qualify as expert sharpshooters.

Mr. MADDEN. How much is the maximum pay that a private can receive if he continues in the Army?

Mr. HULL of Iowa. If he continues to serve in the Army to the period the law now provides for retirement, he would

receive \$30 per month if he became an expert sharpshooter. That would give \$25 pay, with increase for reenlistments and \$5 for being an expert sharpshooter.

Mr. MADDEN. What proportion of the men who enlist become expert marksmen?

Mr. HULL of Iowa. But very few expert, but a good many become marksmen. More become marksmen than become expert sharpshooters. It gets fewer and fewer as you go up, because the requirements of the higher grades are so very strict that only the very best quality of them can qualify in them.

Mr. PARKER of New Jersey. Not more than eight or nine to the company become expert sharpshooters.

Mr. MADDEN. So there is only a small per cent of the enlistment that is capable of receiving the highest pay?

Mr. HULL of Iowa. I do not think it is that many for the highest pay.

Mr. GAINES of Tennessee. I wish to ask the gentleman from Iowa [Mr. HULL] a question, but I will make my statement now first. The gentleman knows that Tennessee has always been a great soldier-producing State. In my district a great many soldiers are enlisted for the Army and Navy. This will always be the case in Tennessee, judging the future by the past.

I have received a great many complaints about the lack of proper pay, it seems to me, from the very highest officer to the very humblest private, and it is a matter of a great deal of concern to their parents and friends, and of course ought to be to me, and is. Now, will the gentleman tell me briefly the main cause of these general complaints?

Mr. HULL of Iowa. Why, they are paid much too little, especially the noncommissioned officer. I will say that from the information I have had from those who have enlisted, and some leading Members on that side of the House have information from their own families confirming that information, that in the first enlistment the pay cuts but little ice, but in the reenlistment—and in the efficiency of the Army it plays a very important part in maintaining one—unless the pay is increased from the privates up to the highest noncommissioned officer, we will have very great difficulty in maintaining our Army.

Now, the gentleman has admitted—of course you have thoroughly investigated the matter—that this pay is too small. Now, how much have you increased, by this bill, the pay; what per cent?

Mr. HULL of Iowa. We have increased it a different per cent for the different officers, until the average increase in money is over 30 per cent.

Mr. GAINES of Tennessee. I am not so much interested for increasing the officers, who can care for themselves, as I am for increasing the pay of the privates.

Mr. HULL of Iowa. This bill does not deal with commissioned officers. The gentleman must understand that there is a noncommissioned officer, who comes up from the ranks and is necessary for the company. He is always an enlisted man.

Mr. GAINES of Tennessee. How about the private; let us hear about him?

Mr. HULL of Iowa. The private gets \$15 a month under this bill, and he gets \$13 a month under the present law.

Mr. GAINES of Tennessee. How much is that raised?

Mr. HULL of Iowa. We raised it \$2 a month on the first enlistment.

Mr. GAINES of Tennessee. Now, Mr. Chairman, just a few words more. As I understand from the people of my district, they are much concerned about this, and I am satisfied it is the same in other districts over the country. The board of trade in Nashville, composed of several thousand leading business men—men filling high office, professors and college men, and merchants and preachers, doctors and lawyers—has passed a resolution upon this subject. They seem to have given a good deal of attention to it, and, with the permission of the committee, I would like to have read the resolution which is sent to me by Mr. Shannon.

Mr. TAWNEY. Will you not be satisfied to print it in the Record?

Mr. GAINES of Tennessee. I want you to hear it read.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. TAWNEY. Suppose every other Member of the House should bring in resolutions that come to him from chambers of commerce and have them read before the House; the whole time of the House would be occupied.

Mr. GAINES of Tennessee. That is not the case now. This is right on the point. I usually file these resolutions, as the practice is, but this is a matter that I am not as fully informed on as I want to be, and possibly there are other Members in the same fix, and therefore I ask that it be read.

The Clerk read as follows:

NASHVILLE, TENN., February 22, 1908.

Hon. J. W. GAINES, Washington, D. C.

DEAR SIR: At the last meeting of our board of directors the inclosed resolution was presented by the Hon. T. W. Wrenne. After some discussion the board went on record as indorsing this resolution, and, as secretary, I was instructed to forward copy to you.

Yours, truly,

E. S. SHANNON, Secretary.

[Copy.]

The pay of officers and enlisted men at this time of the Army, Navy, Marine Corps, and Revenue-Cutter Service is wholly inadequate for the services rendered, and so small that it is impossible for the Government to maintain the regulation quota, and the number of officers and men necessary for the duties to be performed and required of the Army and Navy. The pay allowed officers and men is much less than that allowed generally in all other lines of occupation and employment. The pay has not been advanced at all in the proportion that the necessary cost of living has increased in the last several years. This fact is known to the President, the Secretary of War, the Secretary of the Treasury, and all the officers and men comprising the Army and Navy, and has been considered by the President and the Departments mentioned, and in the conference held by the President, the Acting Secretary of the Navy, and the Assistant Secretary of the Treasury, the latter Departments having charge of these matters. A bill has been prepared and offered in Congress, where it is now pending, providing for such an increase in the pay of the officers and men as would be fair and just, and such that men now in the service will remain, and fixing the pay on a basis that will encourage the enlistment of men in the Army and Navy, thus enabling the Government to maintain the necessary quota of officers and men in service.

In view of these conditions and facts, the board of trade of Nashville favors the measure now pending, and desires its prompt passage by Congress, and approval by the President.

Resolved, therefore, by the board of trade of Nashville, That it hereby gives its indorsement to said measure, and recommends and requests the Senators and Representatives in the Congress from Tennessee to vote for and aid in the passage of said bill pending as aforesaid, and which has been prepared and recommended for passage by the President and Departments as stated.

Resolved, further, That the secretary of this board forward copies of this resolution to the Senators and Representatives referred to.

NASHVILLE, TENN., February 21, 1908.

Mr. E. S. SHANNON, Secretary, City.

DEAR SIR: Referring to your favor of 19th instant, I am pleased to hand you herewith a copy of the resolution relating to the bill pending before Congress, to increase the pay of the officers and enlisted men in the Army and Navy, Marine Corps, and Revenue-Cutter Service, which resolution, you will remember, was adopted at the last meeting of the board of trade. The Banner issued the day after the meeting published the text of the resolution, and should you, in communicating the action of the board to the Senators and Representatives of Tennessee in Congress, decide to forward copies of the resolution to each it may facilitate your work to forward copies of that issue of the Banner. I know that the officers and men in the service will appreciate this action of the board and the steps you take to communicate the resolution to the representatives referred to.

Thanking you for your attention to the matter, I am,

Very truly, yours,

T. W. WRENNE.

Mr. GAINES of Tennessee. Now, Mr. Chairman, before I yield the floor I would like to ask the gentleman this: Have we any law allowing Congress to appropriate money to find or locate, properly mark, and protect the graves of soldiers who were killed in battle while in the service of the United States?

Mr. HULL of Iowa. There is a law we have enacted since the Spanish war, bringing deceased soldiers to be buried at home. Congress has absolute power any time it pleases to pass any law it might desire or appropriate the money for laying out the graves and marking them properly.

Mr. GAINES of Tennessee. I understand that.

Mr. DOUGLAS. There is a law now.

Mr. HULL of Iowa. To locate and properly mark?

Mr. GAINES of Tennessee. To locate and properly mark and to protect.

Mr. HULL of Iowa. I know of no such statute.

Mr. GAINES of Tennessee. Well, Mr. Chairman, I beg the indulgence of the committee, so that I may make a rather sad statement. For the past three or four months I have been endeavoring in every way, through our very obliging Secretary of War and his splendid machinery, to locate the graves of soldiers that fell in the battle in or about New Orleans in December, 1814, and January, 1815, and to my amazement, to my astonishment, and I will say to my sorrow, I was informed by General Aleshire yesterday in a letter that is printed in the Record of yesterday that the graves of these soldiers, except possibly two, can not be found. They are not marked, and yet, Mr. Chairman, the great battle of New Orleans, wrought by these and other soldiers, was more remarkable than perhaps any battle that was ever fought upon American soil.

I, of course, and many other Members with whom I talked about it privately, very naturally inferred that those killed were properly cared for, that their graves in the cemeteries were properly marked. Yet, gentlemen, I believe only two of the graves of the soldiers of that great battle have been prop-

erly marked or cared for. That is neither the wish nor the disposition of the American Congress, nor is it the desire of the proud and patriotic people of the United States.

Mr. CAULFIELD. How many were killed in that battle?

Mr. GAINES of Tennessee. If the gentleman will look in the Record of yesterday on his desk, he will find that not many were killed, but it was the heroism of those who were not killed and those who were killed that swept their foes off the face of the earth and gained this far-reaching and greatest victory.

Mr. HULL of Iowa. Inasmuch as this has nothing to do with the bill under consideration, although I do not want to raise the point of order, I hope the gentleman will not take up too much time. The subject is not before Congress now.

Mr. GAINES of Tennessee. I want to have it before Congress.

Mr. HULL of Iowa. I should like to get on with this one proposition that is before us, if possible.

Mr. GAINES of Tennessee. If the chairman will indulge me for a few moments, I will not take up much time. I ask two or three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. The gentleman will find in the Record of yesterday a statement of the number killed. On the 8th of January there were 6. Here is the total loss there: Total killed, 5,575; total wounded, 185; total missing, 93; total 333. On the 8th of January there were 6 killed and 13 wounded. Some that were not killed outright died soon from their wounds. But, gentlemen, their graves are not marked; their graves are unknown. Yet when the news reached the city of Washington that Jackson had gained that great victory the mayor of this town issued a proclamation and asked the people to illumine their homes, and it was done.

The Daily National Intelligencer, of Washington, Monday, February 6, 1815, in part reads thus:

ALMOST INCREDIBLE VICTORY!—FROM NEW ORLEANS.

Dates up to the 13th of January—the enemy attacking our entrenched Army on the 8th, beaten and repulsed by Jackson and his brave associates, with great slaughter.

Then follows a copy of a letter from Major-General Jackson to the Secretary of War, dated "Camp, 4 miles below Orleans, January 9, 1815."

On the same page this is found:

THE ILLUMINATION.

On the full confirmation of the above particulars of the glorious affair at New Orleans, a general illumination took place in this city on Saturday evening, in pursuance of the following recommendation by the mayor:

A PROCLAMATION.

Whereas it has pleased the Almighty Disposer of events to signalize our arms, under the command of the gallant General Jackson, at Orleans, by a victory over the invading foe, unparalleled in the annals of nations; and

Whereas it becomes a people relying on the favor of heaven for support to rejoice in every manifestation of divine goodness, and a number of the citizens of this corporation having expressed to me a wish to celebrate our brilliant triumph by an illumination of this city, in which I most heartily accord, I do, therefore, hereby recommend to the citizens of this corporation to illumine their houses this evening at 7 o'clock, and to continue until 10 o'clock. And I do enjoin upon all the officers of police to be vigilant in preserving order and preventing mischief.

General Jackson, in his official account of the above glorious battle, states the killed left on the field, 700; wounded, left on the field, 1,400; prisoners, 500; total, 2,600. Our loss, only 7 killed and 6 wounded.

Given under my hand at the city of Washington this 4th day of February, 1815.

JAMES H. BLAKE, Mayor.

The people here did not believe Jackson could win that victory. They thought he was an Indian fighter, and not the great military chieftain that he was, the great chieftain that the gentleman from New Jersey [Mr. PARKER] alluded to a few days ago. He took his untrained troops, he himself not being a West Pointer nor a man educated in military tactics in any school, but he won that great victory. Congress was then in session, almost quaking in its shoes, almost shivering with fear that that battle would prove a great disaster to American arms. It was freely talked of on the streets of this city, if not here in Congress, that the American Army would be utterly routed and ruined. But instead of that the news came which settled it forever that although Englishmen may come here and haul away our millionaire girls and sweethearts they can never haul down the American flag. [Applause.]

It is said, Mr. Chairman, that the foreigner may come here whenever he pleases, but not as he pleases. He may come here when he pleases, but since the battle of New Orleans he leaves his men-of-war and his sword behind.

Mr. LAMB. The Almighty fought on Jackson's side.

Mr. GAINES of Tennessee. Yes; God Almighty was on his

side. And, Mr. Chairman, I think at this late day my friend will agree that there should be some reference made to the subject here, to show that we not only respect what these great heroes did, but that we shall honor ourselves by honoring their graves. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, the House is naturally interested to know exactly what is paid under this bill and under the present law, in each grade. It is a little more complicated question than it seems. For instance, at the present time a soldier gets \$13 a month when he first enlists. Under the new bill he would get \$15. On his first reenlistment under the present law he would get \$3 increase, and the same under the new law. Thus, under the second enlistment the soldier would get under the present law \$16, and under the new law \$18, making \$2 difference. On the second reenlistment or the third enlistment the present law increases his pay \$2; the proposed law increases it \$3, so that the result would be \$18 and \$21, or a difference of \$3. On the fourth enlistment both laws increase it by \$1, making a difference still of \$3, between \$19 and \$22. On the fifth enlistment there is no increase by the present law which, after the third, seems to increase by \$1 every two enlistments; the result being that on the seventh enlistment by the proposed law he would get \$25 instead of \$20, or \$5 difference; while on the tenth enlistment the increase is going on under the present law, and not under the proposed law, so that the difference again would be only \$3—\$22 under the present law and \$25 under the proposed law. Now, I have a table here—

Mr. HAY. If the gentleman from New Jersey will pardon me, would not the soldier every time he reenlisted under the proposed law get three months' pay, which would be \$45 for each reenlistment?

Mr. PARKER of New Jersey. A little more, perhaps. I will come to that. He gets three months' pay at the last rate. I have prepared a table which shows an abstract of the full effect of the bill from beginning to end. I have only stated these details in order to show the House how difficult it is to construct an exact average, and that we can only say generally that in the matter of privates in the Army, who are mostly in the first, second, or third enlistment, the difference between the two provisions is only \$2 or \$3 per man per month, so far as the ordinary pay is concerned.

Now, as to the other officers and noncommissioned officers, the difference is shown in the table, but it is far greater. We did not think it right that the first sergeant should remain at \$24 a month, and we have made his pay \$45; but the increases after that are not much, if at all, larger under the bill than under the present law. This bill attempts to give an opportunity for merit. It intends to give a good, fair pay, not so much

as is given for the Navy for like officers, but a pretty fair pay. The \$45 pay grows to \$55 a month, besides the ordinary allowances, which, in the case of a first sergeant in camp, generally includes quarters for his wife—he stays with the company, but he has a place for his wife and children.

The gentleman from Virginia [Mr. HAY] has pointed out, quite rightly, that in all these cases, after the first enlistment, we give thirteen months' pay instead of twelve. That is to say, at the reenlistment there is a bounty of three months' pay, because it is so important to get hold of the man just at the time he thinks "I will go out of the Army." He goes home; he looks about; he makes up his mind, and says: "Well, I might perhaps go back," and the offer of three months' pay will bring back your sergeant and your corporal or your trained expert or the rifleman who gets the extra \$5 per month. Now, this matter of sharpshooting is the most important thing there is in our Army.

I think it can hardly be said of any other nation in the world, but it can be said of us, that we have an army of marksmen. We try not to keep a man who can not become an ordinary marksman—that is, a man who can really hit the target instead of firing at it and missing it. Sharpshooters are different. I have had some experience and know. In companies of 70 to 100 men it is not ordinary to get more than 10 sharpshooters, and it is not ordinary to get more than 3 or 4 expert riflemen. An expert rifleman is one who can make a skirmish run, and in the heat of the run throw himself down on the ground and make a bullseye—that is, hit the silhouettes that are placed in that skirmish run. That kind of a man is an extraordinary man. It is worth while to keep him in the Army for \$5 a month more.

The benefit of this bill, as will be noticed, is not a very great increased pay to the privates. It is the view of the Chief of Staff that it is for the benefit of the Army that those who do not become officers should go into civil life, and that we should have a whole army of discharged men throughout this whole country who are ready to join the ranks in time of war; and we depend for recruiting our Army, not upon the high pay that we give to the privates, but because they are young and ambitious men, who love the uniform and love the work and who know that if they join the Army there is a chance not only of a commission but also to get a position as a noncommissioned officer which will amount to something and which will give him a permanent place where he is well paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I ask unanimous consent to print as a part of my remarks this table.

The CHAIRMAN. Is there objection?

There was no objection.

Table showing present and proposed pay schedule for enlisted men of the Army.

Grade.	Arm of corps.		Pay for several enlistments.									
			First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.
Master electrician.....	Signal Corps, Coast Artillery.....	Present pay.....	\$75	\$78	\$80	\$81	\$81	\$82	\$82	\$83	\$83	\$84
Chief musician.....	Bands.....	do.....	60	63	65	66	66	67	67	68	68	69
		Proposed pay.....	75	78	81	82	82	84	85	85	85	85
Engineer.....	Coast Artillery.....	Present pay.....	65	68	68	71	71	72	72	73	73	74
		Proposed pay.....	65	68	71	72	73	74	75	75	75	75
Regimental sergeant-major.....	Cavalry, Field Artillery, infantry.....	Present pay.....	34	37	39	40	40	41	41	42	42	43
Regimental quartermaster-sergeant.....	do.....	do.....	34	37	39	40	40	41	41	42	42	43
Regimental commissary-sergeant.....	do.....	do.....	34	37	39	40	40	41	41	42	42	43
Senior sergeant-major.....	Coast Artillery.....	do.....	34	37	39	40	40	41	41	42	42	43
Battalion sergeant-major.....	Engineers.....	do.....	36	39	41	42	42	43	43	44	44	45
Post quartermaster-sergeant.....	Post noncommissioned staff.....	do.....	34	37	39	40	40	41	41	42	42	43
Post commissary-sergeant.....	do.....	do.....	34	37	39	40	40	41	41	42	42	43
Post ordnance-sergeant.....	do.....	do.....	34	37	39	40	40	41	41	42	42	43
Battalion quartermaster-sergeant.....	Engineers.....	do.....	36	39	41	42	42	43	43	44	44	45
Sergeant, first class.....	Hospital Corps.....	do.....	45	48	50	51	51	52	52	53	53	54
Electrician-sergeant, first class.....	Coast Artillery.....	do.....	45	48	50	51	51	52	52	53	53	54
Sergeant, first class.....	Signal Corps.....	do.....	45	48	50	51	51	52	52	53	53	54
First sergeant.....	All arms.....	do.....	25	28	30	31	31	32	32	33	33	34
		Proposed pay.....	45	48	51	52	53	54	55	55	55	55
Battalion sergeant-major.....	Field Artillery, infantry.....	Present pay.....	25	28	30	31	31	32	32	33	33	34
Squadron sergeant-major.....	Cavalry.....	do.....	25	28	30	31	31	32	32	33	33	34
Junior sergeant-major.....	Coast Artillery.....	do.....	25	28	30	31	31	32	32	33	33	34
Battalion quartermaster-sergeant.....	Field Artillery.....	do.....	25	28	30	31	31	32	32	33	33	34
Master gunner.....	Coast Artillery.....	do.....	34	37	39	40	40	41	41	42	42	43
Chief trumpeter.....	Bands.....	do.....	22	25	27	28	28	29	29	30	30	31
Principal musician.....	do.....	do.....	22	25	27	28	28	29	29	30	30	31
		Proposed pay.....	40	43	46	47	48	49	50	50	50	51
Electrician-sergeant, second class.....	do.....	Present pay.....	35	38	40	41	41	42	42	43	43	44
Sergeant.....	Engineers, ordnance, Signal Corps, and bands.....	do.....	34	37	39	40	40	41	41	42	42	43

Table showing present and proposed pay schedule for enlisted men of the Army—Continued.

Grade.	Arm of corps.		Pay for several enlistments.									
			First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.
Quartermaster-sergeant.....	Engineers.....	Present pay.....	\$34	\$37	\$39	\$40	\$40	\$41	\$41	\$42	\$42	\$43
Drum major.....	Bands.....	do.....	25	28	30	31	31	32	32	33	33	34
Color sergeant.....	Cavalry, Field Artillery, infantry.....	do.....	25	28	30	31	31	32	32	33	33	34
		Proposed pay.....	36	39	42	43	44	45	46	46	46	46
Sergeant.....	Cavalry, artillery, infantry, Hospital Corps.....	Present pay.....	18	21	23	24	24	25	25	26	26	27
Corporal.....	Bands.....	do.....	16	18	20	21	21	22	22	23	23	24
Quartermaster-sergeant.....	Cavalry, artillery, infantry.....	do.....	18	21	23	24	24	25	25	26	26	27
Fireman.....	Coast Artillery.....	do.....	30	33	35	36	36	37	37	38	38	39
Cook.....	All arms.....	do.....	18	21	23	24	24	25	25	26	26	27
		Proposed pay.....	30	33	36	37	38	39	40	40	40	40
Corporal.....	Engineers, ordnance, Signal Corps, Hospital Corps.....	Present pay.....	20	23	25	26	26	27	27	28	28	29
Chief mechanic.....	Field Artillery.....	do.....	18	21	23	24	24	25	25	26	26	27
Mechanic.....	Coast Artillery.....	do.....	18	21	23	24	24	25	25	26	26	27
Private.....	Bands.....	do.....	13	16	18	19	19	20	20	21	21	22
		Proposed pay.....	24	27	30	31	32	33	34	34	34	34
Corporal.....	Cavalry, artillery, infantry.....	Present pay.....	15	18	20	21	21	22	22	23	23	24
Mechanic.....	Field Artillery.....	do.....	15	18	20	21	21	22	22	23	23	24
Farrier, blacksmith, saddler, wagoner.....	Cavalry.....	do.....	15	18	20	21	21	22	22	23	23	24
Artificer.....	Infantry.....	do.....	15	18	20	21	21	22	22	23	23	24
		Proposed pay.....	21	24	27	28	29	30	31	31	31	31
Private, first class.....	Engineers, ordnance, Signal Corps, Hospital Corps.....	Present pay.....	18	21	23	24	24	25	25	26	26	27
		Proposed pay.....	18	21	24	25	26	27	28	28	28	28
Private.....	Hospital Corps.....	Present pay.....	16	19	21	22	22	23	23	24	24	25
		Proposed pay.....	16	19	22	23	24	25	26	26	26	26
Trumpeter.....	Cavalry.....	Present pay.....	13	16	18	19	19	20	20	21	21	22
Musician.....	Infantry, artillery, engineers.....	do.....	13	16	18	19	19	20	20	21	21	22
Private.....	Cavalry, artillery, infantry, Signal Corps.....	do.....	13	16	18	19	19	20	20	21	21	22
Private, second class.....	Engineers, ordnance.....	do.....	13	16	18	19	19	20	20	21	22	22
		Proposed pay.....	15	18	21	22	23	24	25	25	25	25

Note as to extra pay.	Present law.	Proposed law.
On reenlistment within three months from honorable discharge.	Nothing.	Three months' pay at rate last received.
Cavalrymen and infantrymen and engineers qualifying as—		
Marksmen.....	\$1	\$2
Sharpshooters.....	2	3
Experts.....	3	5
NOTE.—The Artillery, Hospital, and Signal Corps, and Quartermaster, Ordnance, and Subsistence departments are eligible, but practically have no opportunity for extra pay for rifle practice, nor can any man qualify in two different classes.		
Coast and Field Artillery:		
Qualifying as second-class gunner.....	1	2
Qualifying as first-class gunner.....	2	3
Corporals and sergeants of Coast Artillery qualifying as gun pointer, gun commander, observer (second class), chief pointer, or chief loader.....	7	7
As plotter, observer (first class), or casemate electrician (the total number authorized being 1,400, or about 8 per company).....	9	9

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Iowa [Mr. HULL] a question in regard to this provision. As I understood his statement, this increase of pay would amount in the aggregate to over \$4,000,000.

Mr. HULL of Iowa. About \$4,000,000.

Mr. TAWNEY. Is it not also a fact that the pressure for increasing the compensation of the officers of the Army is even stronger, and that there is an organized effort in that direction much greater than there has been to increase the pay of the enlisted men.

Mr. HULL of Iowa. Mr. Chairman, there has been, of course, an effort to increase the pay of the officers, and I think in a sense it is a proper question to be discussed.

Mr. TAWNEY. I am not questioning that, but what I want to ask is this: In case the increase would be allowed to the officers, then what would be the aggregate of that increase—the proposed increase?

Mr. HULL of Iowa. There has been nothing proposed in this bill at all.

Mr. TAWNEY. I understand that.

Mr. HULL of Iowa. So that I can not answer that question. It is all under the control of Congress.

Mr. TAWNEY. The gentleman from Iowa will perhaps tell us what the probable increase would be if the proposition for an increase of pay to the officers should prevail.

Mr. HULL of Iowa. I should say, if the proposed increase, or what is called the "Warren bill" that is now before the Senate as an independent measure, were to prevail, it would mean between \$2,500,000 and \$3,000,000.

Mr. SLAYDEN. That is the officers?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Then the question of increase would also be determined somewhat by whether that provision would apply to those on the retired list. If it did not, you would reduce it by \$250,000. I will say to the gentleman from Minnesota [Mr. TAWNEY], in regard to this great push for an increase in the pay of the officers, that the Secretary of War in his hearing before us said that above all things that were necessary was the increase in the pay of the enlisted men; that while it was only just to consider the other and make it if we could, yet if only one could be made, the enlisted men should first be taken care of. That is the testimony of the Secretary of War and also of the Chief of Staff, substantially.

I want to say to my friend that there has been a tentative talk among the members of the committee of an increase which would commence with the brigadier-general and give him \$500 a year additional salary, which would make his pay the same as the pay of a rear-admiral of the junior grade in the Navy. That officer of the Navy gets \$6,000 a year, while our brigadier-general, of equal rank, gets \$5,500. Then there is a proposition to give a flat increase of \$500 a year for each grade from brigadier-general down to and including the second lieutenant, which would make an increase of about \$2,000,000 for pay of officers, a less increase than proposed by the other plan, of giving the larger increase to the upper grade of officers and less than \$500 to the first and second lieutenants. Another thing, a percentage increase would further discriminate against infantry line officers by giving mounted officers a still larger increase than would be given officers not mounted. In my judgment the difference in pay is now too great.

That is a matter that should be taken up if the measure is brought before us and fully debated and discussed. The proposition here is simply to increase the pay of the enlisted force of the Army.

Mr. TAWNEY. Now, Mr. Chairman, the remarks of the gentleman in charge of the bill illustrate more forcibly than anything I can say as to my purpose in reserving the point of

order on this paragraph. It is evident that before this session of Congress adjourns there will be a struggle between the two Houses over this proposition to increase the pay of the officers of the Army.

The CHAIRMAN. The gentleman's time has expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I took up too much of his time.

The CHAIRMAN. Is there objection? [After a pause.] None is heard.

Mr. TAWNEY. I have no objection to the proposition to increase the pay of the enlisted men, but I do object to legislation authorizing this increase of pay being carried on an appropriation bill, and the mistake we make if this provision remains in this bill is that we are transgressing the rules of the House in doing it. When this proposition goes to the other legislative branch of the Government they will feel justified in incorporating in the bill their proposition in regard to increasing the officers' pay as an amendment to our unauthorized provision. This I do not believe the House or the Committee on Military Affairs is in favor of; so that at the end of the session the House will be confronted with the proposition—either increase the salary of the officers, as proposed by the Senate, as an amendment to our proposition to increase the pay of the enlisted men, or you will get no appropriation for the support of the Army.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. TAWNEY. Yes, sir.

Mr. SLAYDEN. Does not the gentleman think that that proposition will be made in any event, whether this goes in or stays out?

Mr. TAWNEY. I think that proposition will be made in any event, but the proposition ought to come on a legislative bill, which the House should send to the Senate for the purpose of authorizing this proposed increase in the pay of the enlisted men of the Army. We can send this bill to the Senate as a separate proposition immediately after the passage of the appropriation bill, if necessary. If this proposition is to go into this bill, either by unanimous consent or by a special rule, we can as well pass it as an independent proposition. The Committee on Military Affairs has legislative jurisdiction as well as appropriating jurisdiction. There is no reason why this proposition should not come before the House as all other legislation comes from legislative committees and be considered as a separate proposition. In that case it would be considered on its merits, uninfluenced by the fact that it was a part of the bill appropriating money for the support of the Army. If we send to the Senate a clean appropriation bill and their proposition is put on there, under the rule that obtains in conference they will have to recede. Their body will be the one that will have to recede, but if we send this appropriation bill to the Senate with a provision for the increase of pay of the enlisted men, in violation of the rules of this House, and they amend our proposition by increasing the pay of the officers, then it will be a question of endurance between the two houses or no appropriation for the support of the Army.

Mr. HULL of Iowa. I would like to ask the gentleman a question right there. That is one of the points; the committee believed it was better to put it on here, and we could control it better than we could if it was in a separate and independent measure. Is it not always the rule that the House making the amendment, if the other House will not agree to it, must recede?

Mr. TAWNEY. No; it depends upon—

Mr. HULL of Iowa. That is the rule.

Mr. TAWNEY. If it is an amendment to an appropriation; but that rule does not obtain if it is an amendment to legislation.

Mr. HULL of Iowa. I never heard of its being limited before—

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. MANN. Does not the gentleman believe, if this increase should remain on the appropriation bill and the Senate should add an amendment to this proposition increasing the pay of Army officers, it being an amendment by itself, the House would be able to protect itself against that matter in conference, whereas if it goes to the Senate as an independent bill it will result in a compromise in conference inevitably?

Mr. TAWNEY. Well, it will result, in my judgment, if it goes to the Senate in this appropriation bill, in the House being compelled in the last moments of the session to recede from our disagreement to their amendment increasing the salary of the officers of the Army or not making any appropriation for the support of the Army.

Mr. MANN. I do not want to take up the gentleman's time, of course—

Mr. TAWNEY. Now, the gentleman from Illinois knows that this proposition goes in here in violation of the rules of both Houses, and if we are the first to transgress the rules of our House, that will be the excuse on the part of the other branch for transgressing their rules by amending legislation on an appropriation bill sent to them, and our position will be less advantageous than it will be if the contest between the two Houses on the question of increasing the officers' pay comes on a legislative bill.

Mr. MANN. Of course, the gentleman knows so far as this being a violation of the rules is concerned that it is subject to the point of order, and he also knows that there has not been an appropriation bill passed in this House for thirty years that did not have a provision in it that was subject to the point of order when it went out of the House.

Now, what we are seeking to get here is the strategic advantage, whatever that may be.

Mr. TAWNEY. That is what I am after.

Mr. MANN. If the gentlemen who will be the members of the conference committee and members of the Military Committee of this House are prepared—I do not know that they are—to say to the House that they will not yield to the Senate amendment, is not that absolute protection to the House and does it not avoid the possibility?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. That would protect the House against any chance of being forced into the position in the closing twenty-four hours of the session to recede or have an extra session of Congress. Of course we know now that within the next two or three months there will be many threats on both sides of the Capitol that "We will stay in this body until the other place freezes over before we give in;" and yet they always adjourn at the regulation time.

Mr. TAWNEY. Mr. Chairman, I do not think that the members of the Committee on Military Affairs who will be the conferees on this bill ought to be asked to say that they will not do thus or so in conference, because a conference, if it is not a free conference, is no conference at all, and I think that it is not even advisable to instruct in advance or ask them to commit themselves positively one way or another on any proposition.

Mr. MANN. Will the gentleman yield on that?

Mr. TAWNEY. Yes.

Mr. MANN. The gentleman, of course, has had a great deal more experience on appropriation bills than I have, yet I have been watching them pretty closely for some years—

Mr. TAWNEY. We all concede that.

Mr. MANN. If you go into the Senate with this as a bill by itself, you can not go in and instruct the conferees that they will not yield, because that is not a free and full conference, but it is no violation of that rule to instruct the conferees that they shall stand absolutely against the Senate amendment as to one amendment in the appropriation bill of the House.

Mr. TAWNEY. Mr. Chairman, the gentleman from Illinois made a remark that I want to call attention to. He referred to the fact that every appropriation bill passed by the House when passed contains provisions that are there in violation of the rules of the House. That criticism is always indulged in by committees that have legislative and appropriating jurisdiction.

Mr. MANN. I beg the gentleman's pardon. I said items that were subject to a point of order. It is the gentleman who said it was in violation of the rules of the House. The rules of the House allow the provisions unless a point of order is made.

Mr. TAWNEY. The fact is, Mr. Chairman, these provisions that the gentleman refers to—legislation carried in other appropriation bills—is legislation in respect to the administration of public expenditures, either in the way of a limitation or restriction, calculated either to reduce or safeguard public expenditure. This is an entirely new proposition, and believing, as I do, that if it remains in this bill and goes to the Senate, it means ultimately the increase of the salaries of the officers of the Army, I shall for that reason insist upon the point of order. But I will withhold it for the moment.

Mr. KAHN. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. KAHN. The gentleman says that this is different legislation from that which one generally finds in appropriation

bills. I want to ask the gentleman if it is not on all fours with the proposition to increase the salaries of clerks in the different Departments that frequently appear in appropriation bills brought from the gentleman's own committee?

Mr. TAWNEY. Not at all. This is on a par with a proposition brought from the Committee on Appropriations to increase the salaries of all the clerks. To propose to increase the salaries of one or two clerks in a Department, simply because of increased service or something of that kind, is an entirely different proposition. The Committee on Appropriations has no other means of informing the House as to the necessity of increasing salaries in particular cases. Not so with the Committee on Military Affairs. It has legislative jurisdiction over all matters pertaining to the Army and can consider and report bills relating to the pay of the Army or in relation to anything else connected with the Army that, in the judgment of the committee, the needs of the service require.

Mr. SLAYDEN. Mr. Chairman, it is a pity that the entire membership of the House could not have been here this afternoon and have heard or participated in this discussion of the pay of the Army. It is a very important measure, important by itself and important in its relation to other branches of the public service. And I am going to ask the committee to bear with me for a few minutes while I call attention to certain features of the pay of the Army and of the Navy. My colleague on the committee [Mr. PARKER] has, I presume, inserted or provided for insertion in the RECORD to-morrow morning of certain of the data to which I shall refer. The average monthly pay of the enlisted men of the Army, according to the disbursements of the Paymaster-General last year, was \$17.33. Now, this \$17.33 included all such extra pay as arises from allowance for skill as marksmen, sharpshooters, and expert riflemen. Plus that, I may say, is to be taken into consideration the clothing allowance, which was mentioned a while ago, \$169 in three years, or \$56.33 for one year. We take no consideration of the value of food, of medical attention, of the housing provided for the soldier, fuel and light, the cost of medical service, and all that sort of thing, all of which is of material value, all of which, if counted up in the total, finally costs a great deal, and which I am prepared to admit will show there was paid to the soldiers in consideration of their services more than \$30 a month.

I want particularly to have the attention of the committee to the consideration of the relative pay of the two services. I am not arguing that one is too low and the other is too high. I simply want you to take knowledge of the facts and to consider them, because within a very few days you will be called upon to vote upon the pay of enlisted men in another branch of the military service of the country, which, man for man, costs about twice as much as the Army. We must be just to both. Last year the Navy pay averaged for the enlisted personnel \$30 per man per month. Now, plus this \$30, each enlisted man in the Navy received an outright contribution at the time of enlistment of \$60 for clothing allowance. He enlisted for four years as against the three years' enlistment of the soldier. After this first allowance of \$60 the seaman pays for his own clothing out of his pay. That has already been brought out here. The seaman also receives a bonus for reenlistment of three or four months' pay.

Mr. HULL of Iowa. Four months' pay.

Mr. SLAYDEN. He receives a bonus of four months' pay, the chairman says, at the rate paid him for the rank that he held at the time of his discharge; and there are enlisted men in the Navy who are drawing very considerable salaries. This bonus runs up to two, three, and even four hundred dollars.

If a man's enlistment expires to-day and he reenlists to-morrow, he will get that bonus, in some instances amounting to several hundred dollars. If he is discharged to-day and does not reenlist until the day before the expiration of the period beyond which this bonus, whatever it is, does not go, he will get it. The man may go out and stay on a vacation for four months less one day and receive it on the day of his reenlistment.

Now, Mr. Chairman, the estimate for the pay of the Navy for the ensuing year has been increased by 10 per cent. The seamen of the Navy of the United States will receive an allowance of \$33 per month for the next fiscal year; and, curiously enough, and it is a fact which does not seem to be generally known by the Members of this House, it is within the province of the President of the United States, within the limits of the appropriation, to fix the pay of the Navy at whatever he pleases; and he, acting upon the advice of the officials of the Navy Department, has decided that for the next fiscal year the seamen shall receive this 10 per cent increase, or \$33 per month.

The suggestion was made in what is known as the "Dick-Capron bill" that we pass a law vesting the same power in

the President, to fix the pay of the Army within the limitations of the appropriation. But it met with no sympathy in the committee, and I am quite certain it would not meet with any on this floor. And I believe that if the statutes did not now confer upon the President of the United States authority to fix the pay of the Navy, you could not muster a corporal's guard in this House for giving him any such power as that.

The CHAIRMAN. The time of the gentleman has expired. Mr. HULL of Iowa. I ask unanimous consent that my colleague may have five minutes more.

There was no objection.

Mr. CLARK of Missouri. I would like to ask my friend from Texas one question. How did he ever get that power?

Mr. SLAYDEN. The power was given to him about 1814; I am informed it was done during the period of the second war between England and the United States.

Mr. CLARK of Missouri. And he increases the pay as much as he pleases?

Mr. SLAYDEN. Oh, no; within the limits of the appropriation, of course.

Mr. CLARK of Missouri. Well, then, when the House makes the appropriation, why, they take into consideration the fact that he can do that thing.

Mr. SLAYDEN. I presume so. I do not think the majority of the membership of this House has known it until very recently. I confess I did not know it until a few months ago. I did not know that he had any such power as that, and I was shocked to learn it. The estimates are made in the Navy Department, and, after consultation with the officials of that Department, I presume, the President fixes what pay the seamen shall receive for the next year, being restrained only by the limit of the appropriation and his own view of what is right.

Now, it so happens that he has decided that they shall have an increase of pay of 10 per cent for the ensuing year, and it is to be fixed at \$33 per month, provided, of course, Congress does not choose to exercise its authority and change the law or reduce the amount of the appropriation, so that it will not be possible to do so.

Mr. PARKER of New Jersey. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Yes.

Mr. PARKER of New Jersey. Does his estimate include warrant officers?

Mr. SLAYDEN. Mr. Chairman, I do not think it does. I did not make up the figures myself. They were given to me, but I thought of it afterwards, and I do not believe that they do include the pay of warrant officers. There is a considerable increase of pay to be added to the average cost of enlisted men in the Navy if the warrant officers are figured separately.

Mr. DOUGLAS. What is a warrant officer?

Mr. SLAYDEN. Warrant officers are boatswains, gunners, and other noncommissioned officers.

Mr. HULL of Iowa. They stand just between the enlisted force and the commissioned force. They are quasi enlisted and quasi commissioned.

Mr. SLAYDEN. They are highly paid seamen.

Mr. HULL of Iowa. They get from \$1,300 a year to \$1,800 a year.

Mr. SLAYDEN. They get as high as \$2,100, I am told.

Mr. HULL of Iowa. I knew that they went up as high as \$1,800.

Mr. SLAYDEN. They get very large pay, although they are not commissioned.

Now, Mr. Chairman, it is useless at this time to invite this House to consider a comparison of the treatment of the two branches of the service. There are not enough Members present here, even if I could command the attention of all of them, to make an impression upon them that would be felt in the House itself. But if they will look at the pay rolls of the two branches of the service, if they will see the sort of appropriations that we are making year after year for the support and upbuilding of the Navy, and compare it with what has been done and is being done for the Army, I think Members will reach the conclusion that although there may be extravagance in this branch of the military service, there unquestionably is extravagance in the other.

In the Senate a bill is now pending that proposes a flat increase of 40 per cent of the pay of the enlisted men of the Navy and a 20 per cent increase of the pay of the officers. You have already been invited to consider the fact that the officers of the Navy are better paid, rank for rank, than the officers of the Army. Yet, despite that fact, there is pending with prospect of passage a bill (S. 3335) which not only provides for a flat increase of 40 per cent in the pay of the enlisted men of the Navy, but will make a more glaring disparity between the pay of the officers in the two services. My colleague on the com-

mittee, Mr. PARKER, has just called my attention to the fact that the figures that I thought he would have in the RECORD tomorrow, and which show the comparative pay of the Army and Navy, were printed in the RECORD of Tuesday. They show very clearly that the pay of the Navy is too high or that of the Army too low. I commend his tables to the attention of the House.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 40.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river.*

#### ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to address the House for ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, I want to take advantage of this time, the first opportunity I have had, to correct now one of the many inaccuracies, inconsistencies, and glaring misstatements made by the gentleman from Pennsylvania [Mr. DALZELL] in his campaign speech yesterday. On some future occasion I hope to take up a little more of the time of the House in refuting to a greater extent some of his misstatements; but today I shall content myself by refuting this one misstatement in the gentleman's speech on page 2626 of the RECORD of yesterday, February 26. I send the paragraph to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

The Virginia Democratic Association, at a meeting in this city in October last, voiced it in a preamble and resolution which were published in the Washington Post. I will read as follows:

"Whereas William Jennings Bryan, the great commoner, as well as the great uncommoner; the great advocate of free silver; the great advocate of government ownership of railroads; the great advocate of initiative and referendum; the greatest blower upon earth; the greatest standing candidate upon earth; the greatest man without a record known in American politics, is threatening again to become a candidate of the Democratic party for the President of the United States: Therefore be it

*Resolved*, That it is the opinion of this association that he stands about as much show of success as a short-tailed bull in fly time."

Mr. SULZER. Now, Mr. Chairman, from a careful reading of the speech there can be no doubt that the intention of the gentleman from Pennsylvania [Mr. DALZELL] was to clearly convey the impression to this House, and to the people of the country generally, that this preamble and resolution had been adopted or agreed to by the Virginia Democratic Association at a meeting held in this city last fall. I have in my hand a sworn statement made by a gentleman of this city, who is very well known, who was formerly the president of the Virginia Democratic Association, is now a member of that association, and who was present at this meeting, which tells the truth in this matter. I send this statement to the Clerk's desk and ask to have it read, so that it will positively refute the impression, if any there be, which the gentleman from Pennsylvania doubtless intended to give out to the country, and I want it to receive as prominent a place in the RECORD as that misstatement of fact has received. [Applause on the Democratic side.]

The Clerk read as follows:

WASHINGTON, D. C.,  
February 27, 1908.

Hon. WILLIAM SULZER,  
The Capitol.

DEAR SIR: In justice to truth, Mr. Bryan, and the Virginia Democratic Association, I would like to have Mr. DALZELL's statement that our association is against Mr. Bryan corrected; and that it may be as widely published as his speech will be, I make the following statement, under oath, for you to make use of, if you will:

The resolution referred to by Mr. DALZELL was offered at the September meeting, held in the Riggs House, by Maj. R. C. Glascock. The president called for a second to the motion, but as there was no one present who entertained the views therein expressed, except Mr. Glascock, it failed to receive a second, and was not before the meeting or any part of its proceedings. The Virginia Democratic Association has entertained Mr. Bryan on a number of occasions, and it is the expressed opinion of all its members heard from, with the one exception, that Mr. Bryan, in point of ability, knowledge of governmental affairs, and honest patriotism, has no equal to-day among public men.

The papers dominated by those large moneyed interests which have been exploiting the people, with the approval of the Republican party, have been filled with unfair attacks and misrepresentation of Mr. Bryan.

He is the people's candidate and for the people's interest, whether they are Republicans, Democrats, or members of the new Labor Party, and will be so recognized next November.

I would like to see such statements corrected. As a member and ex-president of the association present at the September meeting I subscribe to the above facts as true.

Very truly, yours,

R. E. L. YELLOTT.

Subscribed and sworn to before me this 27th day of February, 1908.  
[SEAL]

MARY E. BRANSON,  
Notary Public, District of Columbia.

[Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman, that statement speaks for itself. I have not the time, and I do not intend now to take up the valuable time of the committee to reply, to any great extent, to the political speech of the gentleman from Pennsylvania [Mr. DALZELL], delivered on the floor of this House yesterday. As I said, that was a campaign speech, made for party purposes, filled with political inaccuracies, historical inconsistencies, and material misstatements so far as Mr. Bryan is concerned, so far as the Democratic party is concerned, and especially so far as the Virginia Democratic Association is concerned. [Applause on the Democratic side.] The House heard the speech yesterday, and the part I especially object to is now effectually refuted and absolutely denied. That is all there is to that, and there is nothing to it at all. I am informed by those in Washington who know Mr. Glascock that he is a crank. At this meeting of the Virginia Democratic Association last September he offered this so-called "preamble and resolution," and he could not get a second to it, and the resolution was not acted upon at all, but was withdrawn, or whistled down the wind, and that was the end of it.

Why, Mr. Chairman, if that sort of political material is to be used in the coming campaign by the Republican party, I think at least that the country ought to know how absolutely untrue and unfair and unjust it all is to Mr. Bryan and to the Democratic party; but in my judgment that kind of campaign misrepresentation will not hurt Mr. Bryan or injure the Democratic party. No doubt—and I do not want to do the gentleman from Pennsylvania an injustice—he wanted it to go to the country that the Virginia Democratic Association had voiced, or agreed to this preamble and resolution denouncing Mr. Bryan and making fun of his candidacy for the Presidency. [Applause on the Democratic side.]

Mr. Chairman, that is all I care to say now. I will not take up any more of the time of the House at present to answer other misstatements in the gentleman's speech, but at some future time I hope to have the pleasure of doing so.

Mr. DALZELL. I hope the gentleman from New York will have that pleasure. I just came in a few moments ago, and find my friend from New York engaged in his customary occupation of raising a tempest in a teapot. I did not say anything about Mr. Bryan or the Virginia Democratic Association, except that I found published in the Washington Post a certain statement which I read. That is all I said about it. That is absolutely true. The Washington Post published a preamble and resolution discussed at the meeting of the Virginia Democratic Association, as I recall it. Now, the gentleman does not deny that it was published in the Washington Post?

Mr. SULZER. Not at all; but the gentleman does not want it to go to the country as the voice, as he expressed it in his speech, of the Virginia Democratic Association simply because he happens to read it in some newspaper.

Mr. DALZELL. There was no misstatement of fact; it was in the Washington Post and the gentleman does not deny it, does he?

Mr. SULZER. The gentleman is begging the question. He said in his speech of yesterday—and that part of it was just read from the desk—"the Virginia Democratic Association

voiced it in the following preamble and resolution." As a matter of fact, the Virginia Democratic Association did nothing of the kind.

Mr. DALZELL. Exactly so; I spoke of the gentleman from New Jersey and I spoke of the Virginia Association, and then I said, "I read in the Washington Post," and the gentleman does not deny that it was in the Post, does he?

Mr. SULZER. Oh, no; but I hope the gentleman from Pennsylvania does not intend to have the country believe that everything that appears in the Post or some other newspaper is absolutely true?

Mr. DALZELL. God forbid. [Laughter.]

Mr. SULZER. Mr. Chairman, I do not want the gentleman's misstatement to go unchallenged because he says he happened to read it in the Post or some other newspaper. I understand the Post merely gave the news that the preamble and resolution had been offered and rejected. I want to truth to go to the country through the CONGRESSIONAL RECORD, and I am opposed to having the Virginia Democratic Association placed in a false light, Mr. Bryan libeled, and the Democratic party misrepresented.

Mr. DALZELL. I am very sorry for the Democratic party, of course. [Laughter on the Republican side.]

Mr. HUGHES of New Jersey. Mr. Chairman, will the gentleman yield for a question?

Mr. HULL of Iowa. I want to give notice, now that we have got this episode out of the way, that I shall object to any further discussion not bearing upon the bill.

Mr. HUGHES of New Jersey. I ask the gentleman from Iowa to yield while I ask the gentleman from Pennsylvania a question.

Mr. HULL of Iowa. The gentleman from Pennsylvania stated that he was through and has started out of the House. I was willing, after this was injected, for one on each side to discuss this outside matter, but if we are to get through with the bill we must confine the debate as near as possible, under the five-minute rule, to the matters affecting the provisions of the bill. I shall object hereafter to any outside debate.

Mr. SHERLEY. Mr. Chairman, it was with pleasure that I heard the statement made by the gentleman from Minnesota [Mr. TAWNEY], chairman of the Committee on Appropriations, that he had reserved the point of order to this new legislation relative to the pay of the enlisted men of the Army, and that he should feel called upon to eventually make that point of order. I say that it is with pleasure, not because of any hostility to the legislation itself, because so far as I have been able to understand it I am in hearty accord with it, but because I do consider that it is a very grave and dangerous violation of the customary and orderly method of doing business in this House. We have had quite an interesting discussion, interesting not only for the information that it conveyed, but for the many kinds of conflicting statements from the various members of the Military Affairs Committee as to what would be the effect of this new legislation. We have been given the privilege of reading four lines in the report of the committee on the bill as to what is contained in this new legislation, and I want to read to this committee those four lines to show with what preparation this Committee of the Whole is asked to vote the new legislation that will carry not only in this bill, but in all subsequent bills, an expenditure running anywhere from three millions and a half of dollars to five or ten millions of dollars. Here is the statement:

Under the head of "Pay of enlisted men of the Army," in all grades, a full new schedule is inserted which makes an increase of \$2 a month for the enlisted men and a very material increase of the pay of non-commissioned officers.

Now, that is the remarkable information conveyed to this committee. There is not a man in the sound of my voice, with the exception of members of that committee, who has anything like an accurate idea of what is imposed by this new legislation, and, judging by the statements made by the members of the committee, there are hardly any two of them agreed as to what is proposed. What is the reason given for this method of legislation? Somebody suggests that somewhere there is going to be made an effort to increase the pay of officers in addition to the pay of enlisted men, and in order that this House may not be forced to do something that it does not want to do it ought to put this provision upon an appropriation bill. I do not profess to be an expert in parliamentary law. I do not profess to know all the ins and outs of it, but it is going to require a little stronger statement than has been made to convince me that by bringing in the subject-matter of pay of enlisted men or officers upon an appropriation bill that must be passed we have strengthened the position of the House in regard to what we

want to legislate as to such pay. Let it come in naturally in a bill legislating, and only legislating, and then if any other branch of the Government undertakes to block that legislation, all right. They may delay the proper increase to the enlisted men, but they will not be able to force their views upon us as the alternative of having no appropriation for the Army. That is common sense, and it does not require any parliamentary law to know it. If this committee was without legislative power—this Committee on Military Affairs—we might be a little bit more patient with them; but they have ample power.

The same men who report this bill could report to-morrow, if they saw fit, a bill dealing with this whole question, and they could then give to the House information as to what they are undertaking to do, which to-day the House is absolutely without. And to say that because some of us insist upon the orderly doing of things we are obstructing what may be a good purpose is to ignore the great, broad principles that underlie all legislative governments for the sake of a supposed temporary advantage or necessity. I not only hope that this point of order will be made, but should it come to the case where no one else feels as I do, I should myself feel obligated to make it, and I hope now that this House will not permit the adoption of a rule to do violence to our ordinary method of legislating. Let the Military Affairs Committee now understand, and let all the other committees having legislative powers understand, that they are to bring in matters of this nature in an orderly course, and not to come in here upon an appropriation bill with absolutely no information given to the committee and ask us to vote it through because they think no one wants to take the responsibility of stopping meritorious legislation.

Mr. CAPRON. Mr. Chairman, I want, in a word, to say to my friend, who has just taken his seat, that assuming for a moment that this provision goes out of the bill on a point of order, I would like to know if he desires in that manner to relegate to another body the legislative powers which ought to belong to this body?

Mr. SHERLEY. No; and I deny that that would be the effect of it.

Mr. CAPRON. And I assert it could not have any other effect.

Mr. SHERLEY. And will the gentleman answer me a question? Is it not within the power of the Committee on Military Affairs now to report to this House a bill relative to the pay of both enlisted men and officers, or either?

Mr. CAPRON. And the Committee on Military Affairs, with the judgment of men representing both sides of this House, have thought it best and most wise to bring in a provision in this way.

Mr. SHERLEY. But the gentleman has not answered my question.

Mr. CAPRON. Yes.

Mr. SHERLEY. Is it not proper and possible, having reported such a bill, to get it up for consideration in this House?

Mr. CAPRON. Why, certainly; and it is up for consideration, and let me tell the gentleman we are considering one simple item in the military appropriation bill, and that is for the pay of enlisted men.

Mr. SHERLEY. I will agree now to withdraw any sort of objection if the gentleman will state to this committee without correction, or rather will state so as to be in accordance with statements already made, what you are doing under the provisions of this bill.

Mr. CAPRON. I am making a five-minute speech vicariously.

Mr. SHERLEY. So far there have been no two of the committee who have agreed on it.

Mr. CAPRON. The gentleman who addressed the Committee of the Whole House on this proposition has stated and made an accurate reply to every question that has been asked.

Mr. SHERLEY. The gentleman in charge of the bill himself said the statements made yesterday were made under a misapprehension as to what the provision was, and this morning he brought a statement here showing—

Mr. CAPRON. There was a statement made yesterday that there was no increase as high as 100 per cent, and it was ascertained by consultation between the gentleman from Virginia and the chairman of the committee that the company cooks had been increased 100 per cent.

Mr. HULL of Iowa. And musicians.

Mr. CAPRON. And musicians. I want to say to the gentleman that the committee, I believe, carefully and conscientiously considered every point of vantage which the House might have on this matter, and it believed that in presenting it in this way there will be more certainty of the passage of this absolutely necessary legislation, provided the House of Repre-

representatives desires to retain the Army of the United States, if it should proceed in this manner as an item for the pay of enlisted men, to which this proposition alone refers, rather than in a separate bill, which undoubtedly when it goes to another body would be brought back with an amendment proposing an increase of the commissioned officers of the Army.

Now, I do not deny that is just as righteous as this, and for that reason I believe that this matter should be brought before the House, should be acted upon in this way, and I am surprised that men who have the good of the Army at heart should object to this provision, knowing the fact that all we can get for the enlisted man in the way of pay and emoluments now is about \$30 a month, \$1 per day. We know that nearly 5,000 desertions in the Army occurred last year. We are not recruiting the sort of men in the Army we ought to have. We know that something must be done. The officers of the Army, those who are making a profound study of the question of enlistments in the Army, believe among the first things necessary is an increase in the pay. A man getting \$13 a month is relegated to the \$13 class and comes to feel he is a \$13 man. This legislation at least shows that the Congress of the United States is thinking about him, is bringing him somewhere to the degree of the level of those outside of the Army, and that is the one reason why you and I should be almost regretful that our consciences make it necessary for us to raise a point of order upon this provision that the Committee on Military Affairs believes to be the method by which this matter should be brought to the attention of the House.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. STEVENS of Minnesota. Mr. Chairman—

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota may proceed for ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] None is heard.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the committee should realize the viewpoint of the Committee on Military Affairs before finally determining the fate of this increase-of-pay proposition. This committee realizes, as has been stated so many times on this floor, that the Army of the United States has been and is in a very serious condition. During the past year there were 4,500 desertions, 12,000 discharged by expiration of term of service, and over 8,000 by disability or by order, or a total discharged last year of over 26,000 men. There was a shortage of 20,000 men in the Army of the United States outside of the Hospital Corps, and that about impairs the efficiency of the Army for more than the proportional decrease of its authorized strength. Under existing conditions it is impossible to recruit the right class of men, and when good men are recruited and fairly trained it is impossible to keep them in the Army; and these good men, so trained, are the real backbone of the Army. They are the efficient force, not only desirable but necessary to keep. Now, we all realize the necessity of a minimum efficient Army for the field service of the United States. Our situation in having tropical possessions fixes beyond question the fact of what must constitute a minimum efficient Army which we are obliged to maintain, and it is that fact that I wish this committee to consider first of all, and then how we can best do our duty in a legislative way and make it efficient. We have Porto Rico, way off in the southeast; we have Hawaii, in the center of the Pacific; we have the Philippines, on the other side of the Pacific, and then we have the Alaskan service, which is as bad on one side as the tropical service is on the other. Those outlying possessions are obliged to be garrisoned by an adequate minimum force, and that is practically determined by the force that is there now. It is not safe to have a smaller number of troops there, and there are many good reasons why more should be stationed. In addition to that, we have been obliged to garrison Cuba for the last few years, and, so far as we can tell, there will be obliged to be maintained by this Government an adequate garrison in that island for some time in the future.

There are about 5,000 men in Cuba now. There will be obliged to be maintained about 5,000 men for some years, so far as we can now foresee, not so much to protect the Cubans as to help them install their own government and properly perform their governmental functions. I know it is stated that the troops may be withdrawn next year about this time; but it is noticeable in the press dispatches from that island, in the reports of its government, and by those who are interested in all phases of Cuban affairs, that the United States must continue to maintain a moderate and efficient military force upon that island. We must remember, too, that after a little time the temporary force of marines must be withdrawn from Panama, and there must be substituted instead an adequate military

force from the Regular Army. We are obliged to maintain about 12,000 troops in the Philippines. That number of troops, which must be maintained there, is the minimum, and there is always a possibility there should be more. These men must be replaced in the Tropics and must be replaced in Alaska about every two years. That is about the length of time that the officers consider is safe that the troops can be fairly maintained there, and then others must be sent from this country to replace them. In 1876 Congress fixed the number of troops necessary to be maintained within the United States at 25,000 men, and this number certainly should not be smaller now, when our country is nearly twice as large and the troops, though not needed to fight Indians, yet are needed for instruction and example and cooperation with the National Guard.

Now, Mr. Chairman, I ask if the gentlemen of this committee have considered the dangerous situation in Hawaii? We have only a small garrison there. There is a group of islands that is deemed absolutely necessary for the protection of the military interests of the United States and, as well, for the interests of our trade and commerce in the Pacific.

There is a population there of about 160,000, of which only about 4,000 are Americans and nearly 100,000 are Orientals. It is one of the lamentable conditions of to-day the world over that there does exist a race prejudice, increasing in some places almost to race antagonism, between men of different colored skins, between the white and the Oriental races; and that condition exists in Hawaii just as it does in California and in British Columbia, though not to the extent and with no outbreak up to this time. Many of those Orientals are accustomed to arms. Many of them are very intelligent men. They realize the possibilities of their controlling Hawaii just as much as we do. If, as our people did only about ten years ago, over night, that 100,000 Orientals should undertake to gain control of the Hawaiian Islands, it is very evident they could do it unless the United States maintained an adequate military force upon Hawaii to overawe every assailant and protect our interests, and if that once be done you realize that this wave of race antagonism, any wave of race prejudice, that might arise on both sides of the Pacific could not be subdued by even the strongest administration. The Government might not be able to subdue the wave of prejudice that would come from the vast mass of the people on both sides of the Pacific, and such a sudden wave, increased by the fact of the intense pressure of economic conditions, is always liable to create a condition of armed conflict. It is our duty to prevent any such condition. It is of the utmost importance, then, for this Government to maintain an adequate military force in Hawaii, in Cuba, in Porto Rico, in Panama, and the Philippines, and that such forces must be exchanged by fresh men from the United States full of the vigor from our own soil and climate. It must be replaced by new men every two years. Consequently we must always maintain, in the United States at least, a force equal to those in our possessions.

Mr. Chairman, we can not do it now. Our desertions are too frequent. We can not get recruits. We can not keep them. So this situation seemed to your Committee on Military Affairs a real emergency; something which should be met at once, to save our men, to preserve peace, and prevent the possibility of serious consequences.

Now, I agree with the general proposition of the gentleman from Kentucky [Mr. SHERLEY], as I very generally do outside of politics, but this is one of the situations which is a real national emergency, which demands legislation, if possible, by Congress at this session, to insure that the Army should have an ample supply of recruits of enlisted men to replace and maintain these troops in our tropical possessions. Now, how can we do it? Why do we not do it? It seems to me there are quite a number of things that ought to be done for the welfare of the enlisted men, but the most important of them all is to have the troops adequately paid. The officers of the Army who are responsible most for its affairs informed us that a pay scale like the present would probably insure them an adequate number of troops. For that reason, and for that reason only, this amendment was inserted in the bill. We all know there are several other things of great importance that ought to be corrected by legislation and by administration in the treatment of enlisted men. But they are not emergency measures. They can wait for the ordinary procedure of the House. But this is different; it is needed now, as soon as possible, and for that reason it was presented to this House by the appropriation bill, which must be passed for the support of the Army.

Now, let us consider for a moment some of the other suggestions as to what may happen if it be omitted or if it be passed. If it be passed by this House and if it be further amended by

the Senate by inserting the officers' pay scale, it then must come back here for consideration by the House. The House can do as it pleases. It can send it back to the Committee on Military Affairs, back to the Committee of the Whole, and then to conference, with whatever instructions this committee or the House may choose to give. If it sends it to conference, as I presume it will and it ought to do, then it must come back, and will be subject to whatever action the House chooses to take at that time.

The point I desire to enforce is that some provision for pay for the enlisted men is absolutely necessary. Now, if that amendment or any other amendment by the Senate should come back to the House, that can be debated; any instructions that this House chooses can be given at that time; and if, as a last resort, no provision can be agreed upon, then the same thing can be done for the support of the Army as was done in 1876. The House can compel the passage of a joint resolution extending the appropriations of this year to cover the expenses for next year. So that there can be no failure, and when the appropriation is passed a proper pay bill will be a part of it. But suppose, on the other hand, as was maintained by the proposition of the gentleman from Kentucky, that this amendment ought to be omitted from the bill, as he has it in his power to cause to be done, what will happen? The Committee on Military Affairs will undoubtedly try to do their duty as they see it and report some sort of pay bill.

It will go on the Calendar, and remain on the Calendar, the graveyard of measures of this kind. If it were considered by the House on a motion to suspend the rules, it would not be subject to amendment; and a matter as important as this ought not to be taken up under a motion to suspend the rules. If considered by the House under a special rule, it must take the place of some other appropriation bill now crowding upon us, so fast upon us.

Here we have before us for consideration a bill for the support of the Army. Here is the proper time. We are considering military affairs. We have the proper information to consider the matter right now. We do not need more to frame proper legislation. Is it best to have it crowd out some other appropriation bill not connected at all with military matters when this is the proper time to consider the matter? For this is an emergency, needing help as soon as possible, as it seems to your committee which has presented it to you, appealing to your patriotism for the support and maintenance of the Army; for the welfare and possibly for the peace and safety of the country. Right now consider it, as it ought to be, as the basis of the military establishment, which should be the object of our constant solicitude and care. [Loud applause.]

Mr. SHERLEY. Mr. Chairman, most of the speeches that have been made relative to this matter have been very good speeches in behalf of legislation increasing the pay of the enlisted men of the Army. To that extent they have been effective speeches, but to the proposition that confronts this committee they have been wide of the mark, with the exception of the closing remarks of the gentleman who has just preceded me.

I fail to see, as he does, all of the difficulties ahead of a bill properly reported; and I see a great many advantages in such a bill. In the first place, there is no use for us to get hysterical about the need of this bill. I believe you ought to have increased pay for the Army; but I know, and so does everyone else here, that you will have an Army, an efficient Army, whether this bill passes this year or not.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. SHERLEY. Certainly.

Mr. HARRISON. I do not want to interrupt the gentleman's argument just at this point, but I listened with interest to his colloquy with the gentleman from Rhode Island, and as I understood the gentleman, his objections to this provision were twofold. In the first place they arose from what he said was the fact, that this is not the proper way in which to bring the measure forward, and, in the second place, that he did not think the gentlemen of the committee who have charge of the matter could explain it. In other words, that the provision in the bill itself was uncertain. Now, the gentleman said, I think, that he would withdraw his objection if the gentleman from Rhode Island or those in charge of this measure could state exactly what it was, so that there would be no uncertainty as to just what this feature of the bill provided.

Mr. SHERLEY. The gentleman is nearly right. There are quite a number of minor and one or two major errors in his statement.

Mr. HARRISON. The gentleman admits that I am substantially right?

Mr. SHERLEY. But I have not admitted that.

Mr. HARRISON. "Substantially right," I think the gentleman said.

Mr. SHERLEY. No; the gentleman did not mean to say that.

Mr. HARRISON. Assuming—

Mr. SHERLEY. Assume, for the sake of your argument, and go ahead.

Mr. HARRISON. I want to ask the gentleman—and he is a great lawyer—whether there is not a maxim of law which says that that which may be rendered certain is certain? Now, his objection is to the uncertainty, as he calls it, of this provision. He bases his criticism upon the questions addressed by Members to the gentleman from Iowa, in charge of the bill, questions as to figures and numbers, requiring an answer as complicated as an answer to an arithmetical puzzle; questions that might have puzzled anyone. They were almost as puzzling as some of the hypothetical questions that are used in trials in the law courts; and because the gentleman who happened to be on his feet explaining an emergency measure was not able to give the gentleman the information he desired I do not think the gentleman has any right to suppose the committee have not information as to what the bill provides.

Mr. SHERLEY. Mr. Chairman, in reply to the suggestion of my friend from New York, it is true that it is an old maxim of the law that that is certain which is capable of being made certain. It is also legally true that a man can do by another what he can do by himself; and yet this maxim of the law would hardly be suggested in a legislative body as proof that a man can perform his duty by allowing somebody else to perform it for him.

Neither can any man here perform his duty in voting intelligently on what is contained in this proposition without knowing what it is, and not simply accepting the statement that it will be eventually shown to him what it is. The statement in the bill is not certain, however certain it may be made. The explanations in regard to it are not certain, and have not been harmonious, and nobody knows it better than those who have been present through this debate of two hours or more. There are now different opinions in the minds of men as to the extent of this legislation. Now, if this was a matter of overwhelming importance, I might not take the position that I do; but I know perfectly well that notwithstanding the need of it, we will have an Army, and we will have an efficient Army, whether this passes or not. I also know that most of the conditions which are reported in regard to the Army were reported when circumstances outside were very different from what they are to-day, and we are likely to have no trouble now in getting recruits. Now, that is no reason why we should not pay a man what he deserves. I want to pay him that, but I want to have this subject, which is a big subject, considered legitimately on its merits, or as the result of a report made by the Committee on Military Affairs. I think the Committee on Military Affairs owes it to the House to give us something more than four lines, telling us that they have made an increase of \$2 as to the privates and substantial increases as to the noncommissioned officers, before they ask us to vote the increase.

Mr. HARRISON. I do the gentleman the credit of believing that he is entirely in sympathy with the general proposition to increase the pay of the enlisted men of the Army, but he seems to doubt whether it is a matter of pressing importance. I, for one, was convinced that it was, not only by the speech of the gentleman from Minnesota [Mr. STEVENS], but through the remarks which we had in the House here yesterday. I do not know whether the gentleman was present or not when I read excerpts from the recent article in Everybody's Magazine about the Army situation.

Mr. SHERLEY. I was, and I will reply to the gentleman by saying that if I permitted my opinions to be based on what I see in Everybody's Magazine and similar magazines, I would think the country was going to the bow wows in a hurry in every direction.

Mr. HARRISON. I warn the gentleman that he would be wise if he would allow his opinions, in this instance, to be guided by that magazine.

Mr. SHERLEY. I am indebted to the gentleman for his gratuitous remark, but after all, while I do not hope to convince my friend from New York, nor do I hope to convince those who have taken this course, I have said what I have, not because it is pleasant for me to interfere, but because it has not been shown to my satisfaction that there is anything standing in the way of the Committee on Military Affairs properly reporting a bill and having it considered by this House in the proper way. The patriotism that the gentleman from Minnesota appeals to now, to induce Members to waive the rules and the proper procedure of the House, can properly be appealed to to get unani-

mous consent for consideration of such a bill properly reported by the Committee on Military Affairs.

Mr. CAPRON. Will the gentleman yield to me for a question?

Mr. SHERLEY. Certainly.

Mr. CAPRON. Does not the gentleman think his criticisms of the committee, when he says that all the information the Committee of the Whole can get about it is three lines in a report, is a little unfair, when there is not one item or schedule in this whole proposition of the increase of the pay of enlisted men which is not set forth item by item, and the bill has been read to the House, and the gentleman has it before him? Is it not a little unfair to say we have only given you three lines?

Mr. SHERLEY. No; I think not.

Mr. CAPRON. Would the gentleman like us to repeat the bill in the report?

Mr. SHERLEY. No; but the gentleman would have liked a report of this kind. He would have liked a report showing to the House exactly what the enlisted men and noncommissioned officers are now receiving not only in the way of regular pay, but in the way of extras; what they may earn as crack riflemen, as sharpshooters; what they get through their various enlistments, and then a comparative statement of what this bill would do in those various grades. I say that would be scientific and would give the House the information that it ought to have.

Mr. CAPRON. The statement only shows how futile it would be for any man to attempt it. I could not tell whether twenty-five or twenty-six men would qualify out of a company for rifle practice, and I could not tell whether they would reenlist.

Mr. SHERLEY. I did not ask the gentleman to enter the realm of prophecy. I do ask him, for I have sufficient faith in his ability, whatever his own faith may be to believe he can, to furnish a statement as to what the existing law is now and what change the proposed law would make.

Mr. PARKER of New Jersey. May I make a suggestion to the gentleman?

Mr. SHERLEY. Certainly.

Mr. PARKER of New Jersey. At the close of my remarks to-day I put in what I tried to put in yesterday, but did not complete. That is a statement of the exact pay received for each enlistment by which is fixed the amount under the present law and that under the proposed law. It will be in the Record to-morrow morning.

Mr. SHERLEY. The gentleman has done a creditable service that would have been much more creditable if it had been done by the committee. Then we could have read it before we took up the consideration of this matter, and not have to wait until to-morrow morning after we have passed its consideration.

Mr. PARKER of New Jersey. We could postpone the consideration until to-morrow.

Mr. SHERLEY. There is not a man here that does not know that the point is well made that this is not a proper way to legislate. But we are being told that some other body is going to be unpatriotic, that there is another branch of the legislative service that is going to willfully and wrongfully expend the people's money, and in order to protect the great House of Representatives from the big stick of the other legislative branch we must adopt this parliamentary status, and yet nobody has been able to show why that status would be any more effective than the ordinary regular method. This is all I desire to say. I have no desire to start a controversy which seems to have carried with it something of bitterness—

Mr. CAPRON. Not at all.

Mr. SHERLEY. Certainly on my part I have no desire to antagonize the committee, nor have I any criticism to make of the committee other than relates legitimately to the methods they are undertaking in this instance.

Mr. CAPRON. Mr. Chairman, after all has been said, is it the settled purpose of the gentleman from Kentucky to insist on his point of order?

Mr. SHERLEY. I do not know that I will have to exercise the option, because it has been said by the gentleman from Minnesota—

Mr. CAPRON. I think the gentleman from Minnesota has withheld his point of order. It is not worth while for the committee to continue this discussion if in the end the point of order is to be made.

Mr. HULL of Iowa. Mr. Chairman, I want to yield three minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Chairman, it has been impressed on us from various sources that the real objection to considering this question at this time is that gentlemen can not understand it. Now, when the gentleman from Kentucky or any other man in this House pretends that he can not understand

at a single glance every provision contained in this paragraph, he does himself the grossest injustice. Nothing could be simpler. We provide for an increase of the enlisted pay of the privates of the Army from \$13 up to \$15, giving the master electrician \$75, and we go in detail through every man in the Army except the officers and tell in detail what each man will get, and that requires no explanation.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HOLLIDAY. Certainly.

Mr. FITZGERALD. How much does a master electrician get under the present law?

Mr. HOLLIDAY. I have not the table before me.

Mr. FITZGERALD. How are we going to understand what the increase is?

Mr. HOLLIDAY. He gets \$75 a month, I am told. The point I make is that every gentleman in this House can make up his mind whether the pay we provide in this bill is adequate or not. It does not matter what the man has been getting; it does not matter what he might get; it does not matter what wages a soldier had a hundred years ago; the real question to be determined now is whether we are fixing a proper pay or not. If you think we are giving him too much, reduce it. If you think that he ought not to have his wages increased, vote down the provision.

The provision is open to amendment. I want to reiterate that proposition. It simply seems to me absurd to say that we can not vote intelligently upon as plain and simple a proposition as how much we shall pay. The gentleman from Minnesota [Mr. TAWNEY] said a short time ago that we ought not to legislate upon these bills, and when he is reminded of the fact that he never brought in an appropriation bill in his life without legislating upon it, he says it is only a few men, a clerk here or there. Mr. Chairman, if we have a right to raise the pay of a single man, woman, or child on an appropriation bill, we have the same right to increase the pay of every man in the United States Army. The principle is exactly the same. We have no more right to increase the wages of a clerk one dollar on an appropriation bill, so far as the legality of the matter is concerned, than we have to take up every man in the Army and increase his pay. Mr. Chairman, I never was very badly scared about legislating upon an appropriation bill. I think it will be right and proper to legislate upon an appropriation in any case where the bill would go through by unanimous consent.

If I have been listening properly, if I have heard and understood what has been said during this debate, there is not a man in this Chamber who opposes this increase of pay. If that is true, what is the necessity of sending this bill back to the committee. We have studied it. Oh, they say, the committee has not given it proper consideration; and it seems to me some covert insinuation is thrown out that that committee has brought in this bill hastily. I want to say that no committee in this House has labored more carefully, more zealously or assiduously in the preparation of any bill than has the Committee on Military Affairs in the preparation of this bill and of this provision. And we have had the benefit of everybody who understands anything about it. The Secretary of War came down and urged it, and we practically followed his suggestions. The Chief of Staff urged the same thing upon us. We got information and light from every direction in which it was possible to obtain information, and we bring to you a carefully considered measure which the simplest mind can understand if it wants to. Mr. Chairman, I have observed that the objections raised here all come from the same committee, and I would suggest that in the future revision of the rules of this House we provide that no committee shall legislate upon an appropriation bill except the Appropriation Committee.

Mr. MANN. Mr. Chairman, it would be very far from my purpose to criticize anyone for making a point of order on legislation in an appropriation bill. [Laughter.] Yet, Mr. Chairman, it is not infrequent that I watch legislative items upon appropriation bills emanating from this committee and that committee, and sometimes from the Appropriation Committee without making or insisting upon the point of order. Now, here is a practical situation. I would like very much to have the attention of the distinguished gentleman from Kentucky [Mr. SHERLEY], and I want to congratulate the Appropriation Committee upon his acquisition to its ranks. This is a practical question. For the next month, in all likelihood, this House will necessarily be engaged constantly in the consideration of appropriation bills, with the exception of District business, and, perhaps occasionally, motions to suspend the rules on suspension day. There are yet to be considered the post-office appropriation bill, the naval appropriation bill, the agricultural, the fortification, the sundry civil, the consular and diplomatic, the

District, and the pension bill, which last will take only a very short time. These appropriation bills will consume the time of the House for the next three weeks, probably six weeks. That means that without a special rule being brought into the House, if the Committee on Military Affairs should report a special bill upon this subject to-morrow it could not possibly be considered in the House for six weeks or two months, which would bring it to the very last end of the session.

If a special bill should come in and be considered at the last end of the session, considered under a rule of the House, it goes to the Senate and goes into conference, absolutely without any protection on the part of the House to consider it. The Military Committee, feeling as every committee does, that it must obtain legislation along the lines of its committee work, feeling that it must provide resources for the Army in the present situation—the Military Committee, aye, the House itself, in the last days of the session will surrender at least to a compromise. Well, if this item remains in this bill the House is forewarned—and being forewarned, is forearmed—and no matter, in my judgment, what the Senate may do, the House can have its own way about this increase in pay, if the item remains in the appropriation bill. If it goes out of the appropriation bill, and is not restored under a rule of the House, it means not merely the increase in the pay provided in this bill, but means a further increase such as the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Minnesota [Mr. TAWNEY] and myself and many others are very much opposed to. Strategically we are in a stronger position with the item in this bill now than we would be with it in a special bill, because I believe the House ought to determine this question; it being a question coming very close to the people, I believe we ought to leave it in this bill and have our way about it in this bill.

Mr. HULL of Iowa. Mr. Chairman, I just want to say a word and then call for a ruling. I want to say that I think the gentleman from Kentucky was disposed to pettifog a little, something he very rarely does on this floor, in referring to the difference between the gentleman from Virginia and myself in regard to the percentage paid the men, when, as a matter of fact, there was no difference. The gentleman referred to the 100 per cent increase; part was to cooks and part to the regimental bands, and my reference in regard to the percentage was to the enlisted force. As a matter of fact, these cooks and bands, or musicians, are part of the enlisted force, but the committee treated them as a separate class of men and made the increase there on different lines than we did in the regular enlisted force in the Army. It was a very mild difference and a very mild mistake—

Mr. SHERLEY. The gentleman will know that the gentleman from Kentucky had no special reference to that particular instance, and the gentlemen will bear me out, and this committee will bear me out, in the statement that there has been for three hours to-day and yesterday a constant discussion between members of the committee as to just what was done by the bill.

Mr. HULL of Iowa. That comes largely from the fact that tables have been prepared hastily, but the main provisions of the bill are set out so fully that by a careful figuring there can be no mistake as to the result. The amount fixed for each grade is the important point. The totals are certain. Every class is fixed in this bill, and later provisions in the bill, which have not been reached yet, fix the increase for each reenlistment, and it is a mere computation—

Mr. SHERLEY. None of us have the tables except the distinguished gentleman from Iowa.

Mr. HULL of Iowa. We have tables of the increase for each grade and tables of the whole amount. I have a table here, from which I read to-day, and I ask, Mr. Chairman, that it be inserted in my remarks.

I only want to say this in conclusion, that if there is a certainty of legislation this year for increased pay for the enlisted men of the Army, the only way to guarantee that increase, in my judgment, is to permit this provision to remain in the bill. Now, as I have stated before, the committee felt it its duty to bring this measure before the House. Our responsibility ceases now. As I said before, the responsibility of the membership of the House begins with each individual Member as to the fate of the measure. If the point is insisted upon, Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The point of order has been raised. Is the point of order insisted upon?

Mr. HULL of Iowa. Mr. Chairman, I understood I had the right to insert that table in my remarks.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] None is heard.

The table is as follows:

Table showing comparative cost of a company of infantry during the civil war, the Spanish-American war, and that now proposed.

Grade.	No.	Civil war.		Spanish war.		Present proposed pay.	
		Rate.	Cost.	Rate.	Cost.	Rate.	Cost.
First sergeant.....	1	\$24	\$24	\$30.00	\$30.00	\$45	\$45
Quartermaster-sergeant.....	1	*20	20	*21.60	21.60	30	30
Sergeants.....	6	20	120	21.60	129.60	30	180
Corporals.....	10	18	180	18.00	180.00	21	210
Cooks.....	2	*16	32	*15.60	31.20	30	60
Musicians.....	2	16	32	15.60	31.20	15	30
Artificer.....	1	18	18	18.00	18.00	21	21
Privates.....	105	16	1,680	15.60	1,638.00	15	1,575
Total.....	128		2,106		2,079.60		2,151

\* Sergeant.

\* Private detailed.

Mr. HULL of Iowa. In order that the exact additional expense in time of war which would be brought about by this bill will be thoroughly understood, attention is invited to the table of comparison between the several rates of pay for enlisted men during the civil war, the Spanish war, and that now proposed.

A company of infantry would under existing law consist of 128 enlisted men, and the total pay of such a company at the rates established during the last year of the civil war would have been \$2,106 per month. The cost of such a company at the rates established during the Spanish war would have been \$2,079.60 per month. The cost of such a company at the rates established by this bill would be \$2,151 per month—that is, a company of infantry in time of war paid according to the schedule established in this bill would cost \$45 a month or, roughly, 30 cents per month per man more than it would cost under the rates existing during the last year of the civil war, and \$92 per month, or 75 cents per month per man, more than it would cost at the rates established during the Spanish war. The rates per month per man for a company of infantry would be the same for an army of a million men. When these figures are taken into consideration in connection with the enormous cost of prosecuting a war, it is seen that the increased cost is absolutely negligible. These figures are made on the assumption that the men were all in their first enlistment. If it be assumed that the war lasted for a long time, and that the men are all drawing "length-of-service pay," the figures would not be essentially different. For instance, under the schedule now proposed, if the entire Army were serving in its second enlistment, and had had five years of service, the additional cost for length of service under this schedule would be actually less than it would be under the schedule of pay in existence during the Spanish-American war.

In this connection it should be borne in mind that less than one-sixth of the strength of the Army would be noncommissioned officers, and, therefore, \$5 added to the pay of each noncommissioned officer would not amount to a total as much as that obtained by adding \$1 to the pay of each private. It should also be remembered that during the Spanish-American war each enlisted man in the United States drew 20 per cent increase on his pay for "service in war," which provision is eliminated by this act.

There is an absolutely unanimous belief on the part of Army experts that the principal increase in pay should be made for the noncommissioned officers along the general lines provided in this bill. A dollar or two added to the pay of the private will accomplish very little, but five or ten dollars added to the pay of each noncommissioned officer will accomplish the maximum good due the service for such an expenditure of money.

Mr. TAWNEY. Mr. Chairman, the gentleman in charge of the bill insinuates that if the rules of the House are insisted upon the Committee on Military Affairs, in reporting this provision in an appropriation bill contrary to these rules, has discharged its duty and that nothing more will be done in respect to the increase of the pay of the enlisted men of the Army, and that its duty in this respect has been discharged. Now, the gentleman from Iowa can not frighten anybody here from doing what they believe to be right by threatening to refuse to exercise the legislative jurisdiction of his committee on this subject. He knows, as well as every other Member in this House, that this provision is brought in here contrary to the rule that prohibits the reporting of any legislation of this character upon an appropriation bill.

Mr. HULL of Iowa. Will the gentleman yield for one question right there?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Within the last three years, is it not true the gentleman himself stated to the Chair when a point of order was made that unless he could get a rule he could not pass half the provisions of the bill then before the committee?

Mr. TAWNEY. The gentleman is correct in respect to the legislative appropriation bill presented in the first session of the last Congress, when certain members of the Committee on Military Affairs were somewhat disturbed about the rules at that time, because the rules of the House had just previously been enforced against their committee on the Army appropriation bill.

But, Mr. Chairman, what I want to say is this: The Committee on Military Affairs, unlike the Committee on Appropriations, has legislative jurisdiction. It is entirely competent, not only competent, but it is their duty, to take up and consider all matters pertaining to the Army and report to the House all the legislation deemed necessary. But it is not their duty to use their appropriation bill as a vehicle for carrying their legislation. This practice has grown to such an extent that these committees attempt to carry all their legislation on their appropriation bills and report no legislative bills whatever. The Committee on Interstate and Foreign Commerce, when they deem an increase in the salary of the Revenue-Cutter Service or the Light-House Service necessary and just, bring in bills authorizing that increase. They do not try to put it onto an appropriation bill by rule or otherwise, and thereby coerce Congress into enacting legislation or withholding appropriations.

Mr. YOUNG. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. YOUNG. Do I understand that the gentlemen from the Committee on Appropriations have reformed, and that in the future they will not place any legislative provisions on appropriation bills?

Mr. TAWNEY. The gentleman from Michigan knows very well that the Committee on Appropriations has no legislative jurisdiction, and the Committee on Appropriations has never yet reported in an appropriation bill a new legislative proposition entirely independent of the administration of public expenditure. There is a great deal of difference between incorporating legislation in an appropriation bill proposing to reclassify and increase the salary of all the employees in the Government service and a proposition to increase the salary of one or two employees who by reason of increased services are entitled to increased compensation. All legislation carried on bills reported from the Committee on Appropriations is intended either to limit, reduce, or safeguard public expenditure or to improve administrative methods of expenditure.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. The fact remains always that any Member of the House can object or make the point of order against the proposed legislation, but the committee has never proposed to legislate independent of the administration of public expenditures or along general legislative lines, as is here proposed. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Did not the gentleman have in the urgent deficiency bill an item of legislation about the payment of the cost of a certain trial here, which went out, and he insisted it was not the action of the House? And did he not have in the legislative bill an item which went out on a point of order which I made in reference to a reorganization to a certain extent in the Interior Department?

Mr. TAWNEY. Yes, sir. That related to the administration of public expenditure.

Mr. MANN. That having gone out, is the gentleman going to take the position that it ought to go in if put in by the Senate, it having been stricken out in the House? I will watch with a great deal of interest to see what the gentleman's position is on that proposition.

Mr. TAWNEY. Strategically the House will be in a much better position, I contend, to ultimately carry out the will of the House in respect to the increase of the salary of the entire branch of the military service if we send to the Senate a clean appropriation bill—an appropriation bill free from this proposed legislation—than we otherwise will be; and for that reason I shall insist upon the point of order.

The CHAIRMAN. The very clear, lucid, and somewhat prolonged discussion of the point of order during the last three hours has made it very easy for the Chair to reach a conclusion and the Chair sustains the point of order.

The Clerk read as follows:

That any soldier who receives an honorable discharge at the termination of an enlistment period and reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: An increase of \$3 monthly pay for and during the second and third enlistments each, and a further increase

of \$1 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That any soldier who receives an honorable discharge at the termination of his first or any succeeding enlistment period and reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they may have had at the date of approval of this act, under existing laws, counting three years to an enlistment: *And provided further*, That any soldier who has been honorably discharged and reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

Mr. TAWNEY. Mr. Chairman, I make a point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That enlisted men now qualified or hereafter qualifying as marksmen shall receive \$2 per month; as sharpshooters, \$3 per month; as expert riflemen, \$5 per month; as second-class gunners, \$2 per month; as first-class gunners, \$3 per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, \$7 per month; as plotters, observers first class, and casemate electricians, \$9 per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

Mr. TAWNEY. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. If the Chair will entertain the proposition, I would suggest that these new provisions, on pages 9 and 10, down to line 22, on page 10, be considered as read, and I will make the point of order on them to save time.

The CHAIRMAN. How about the point of order on the paragraph, "That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law?" The Chair sees no reason why it should be in there, but the Chair sees no way of striking it out on the point of order.

Mr. FITZGERALD. I move to strike it out.

Mr. BONYNGE. I move to strike out lines 14, 15, 16, and 17.

The CHAIRMAN. The gentleman from Colorado moves to strike out the lines.

Mr. HULL of Iowa. That should be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 14, 15, 16, and 17, on page 9.

The question was taken, and the amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Chairman, there is one provision included that could stand by itself.

The Clerk read as follows:

That the pay during first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musician, \$75; principal musicians and chief trumpeters, \$40; sergeants and drum majors, \$36; corporals, \$30; and privates, \$24; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman in charge of the bill, Is that not a new provision?

Mr. HULL of Iowa. Absolutely.

Mr. TAWNEY. Then I make the point of order on it.

Mr. HULL of Iowa. I want to say to the gentleman that it was put in to protect civilian bands from competition with military bands.

Mr. BARTHOLDT. I want to ask whether this is subject to a point of order, and whether the point of order has been made against it?

The CHAIRMAN. The point of order has been made against it by the gentleman from Minnesota, and the gentleman from Iowa concedes the point of order is well taken. The Chair sustains the point of order.

The Clerk read as follows:

That nothing in this act shall be construed to increase the pay of enlisted men now on the retired list.

Mr. HOLLIDAY. Mr. Chairman, while that is not subject to the point of order, it is wholly useless, and I move to strike out the lines.

The CHAIRMAN. The gentleman moves to strike out lines 6 and 7, on page 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman in charge of the bill—

Mr. FITZGERALD. I wish to reserve the point of order upon that section.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. TAWNEY. I want to ask the gentleman if that is new?

Mr. HULL of Iowa. Oh, yes; it is all new. It is all subject to the point of order.

The CHAIRMAN. Does anyone make the point of order?

Mr. MANN. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That section 6 of the act entitled, "An act for the better organization of the Army of the United States" be amended so as to read as follows:

"Sec. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

Mr. MANN. I make the point of order on that.

Mr. HULL of Iowa. It is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HULL of Iowa. I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288, the Army appropriation bill, and had come to no resolution thereon.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 4368. An act to provide for the purchase of a site and the erection of a public building at Wilson, N. C.—to the Committee on Public Buildings and Grounds.

S. 156. An act to provide for the purchase of a site and erection of a building thereon at Bellaire, in the State of Ohio—to the Committee on Public Buildings and Grounds.

S. 140. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho—to the Committee on Indian Affairs.

S. 44. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.—to the Committee on the Library.

S. 1761. An act for the erection of a statue of Maj. Gen. Nathaniel Greene, upon the Guilford battle ground, in North Carolina—to the Committee on the Library.

S. 418. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

S. 4454. An act authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee—to the Committee on Military Affairs.

S. 1559. An act for the relief of the Citizens' Bank of Louisiana—to the Committee on War Claims.

S. 3001. An act to rectify the boundary line of Rock Creek Park—to the Committee on Public Buildings and Grounds.

S. 654. An act to increase the efficiency of the veterinary service of the Army—to the Committee on Military Affairs.

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

S. 5043. An act authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation at Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation—to the Committee on Military Affairs.

S. 4567. An act to provide for the construction and equipment

of a revenue cutter for service in Narragansett Bay and adjacent waters—to the Committee on Interstate and Foreign Commerce.

#### SENATE RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 40.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill, in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river—*

*to the Committee on Rivers and Harbors.*

#### DAM ACROSS CAHABA RIVER, CENTERVILLE, ALA.

The SPEAKER laid before the House the bill (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., with a Senate amendment, which was read.

Mr. UNDERWOOD. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

#### ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, reported the same with amendments, accompanied by a report (No. 1107), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 11341) amending section 1814 of the Revised Statutes of the United States, reported the same with amendments, accompanied by a report (No. 1108), which said bill and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 15111) to authorize the purchase of lands and buildings for the consular establishments in China, Japan, and Korea, reported the same without amendment, accompanied by a report (No. 1109), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17985) authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years as such in the Army, reported the same without amendment, accompanied by a report (No. 1111), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, reported the same with amendments, accompanied by a report (No. 1110), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 18106) granting a pension to Louisa H. Highley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15882) granting an increase of pension to Joseph E. Jackson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18154) to correct the war record of Wilson W. Duncan—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 18196) to provide for additional desert land entry, after final entry, not exceeding 320 acres—to the Committee on the Public Lands.

Also, a bill (H. R. 18197) to empower deputy clerks of courts of record to administer oaths and affidavits in public-land proceedings in the absence of the clerk—to the Committee on the Public Lands.

By Mr. CALE: A bill (H. R. 18198) to provide for the sale of coal deposits in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

By Mr. HAGGOTT: A bill (H. R. 18199) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado—to the Committee on Indian Affairs.

By Mr. MUDD: A bill (H. R. 18200) to provide a survey for a bridge across the Eastern Branch of the Potomac River—to the Committee on the District of Columbia.

By Mr. DENBY: A bill (H. R. 18201) to regulate the duties and fixing the compensation of the customs inspectors at the port of Detroit—to the Committee on Ways and Means.

By Mr. FASSETT: A bill (H. R. 18202) to authorize and empower mail carriers to certify pension vouchers for persons on the pension rolls of the United States who receive their mail by rural-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Texas: A bill (H. R. 18203) to complete the post-office and Federal court building at Tyler, Tex.—to the Committee on Appropriations.

By Mr. DAVIS of Minnesota: A bill (H. R. 18204) to provide an appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, and regulating the expenditure thereof—to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 18205) fixing the compensation of the night inspectors and the inspectresses of customs at the port of San Francisco—to the Committee on Ways and Means.

By Mr. FOSS: Resolution (H. Res. 263) to increase the pay of clerk to Committee on Naval Affairs—to the Committee on Accounts.

By Mr. LILLEY: Resolution (H. Res. 264) inquiring of the Secretary of the Navy whether \$745.45 per ton is a reasonable price for *Octopus* type of submarines, whether submarines have had accidents, and nature of repairs thereon, and requesting complete copies of everything on file in the Navy Department on submarines—to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 18206) granting a pension to Adelaide Williams Fowler—to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 18207) granting a pension to Lydia R. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18208) granting an increase of pension to Asa D. Farnam—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 18209) for the relief of Mrs. S. A. Dunn, formerly Mrs. S. A. Mitchell—to the Committee on War Claims.

Also, a bill (H. R. 18210) for the relief of the heirs of L. G. Brantley, deceased—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 18211) to authorize the President to appoint Brig. Gen. Constant Williams to the grade of major-general in the United States Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. BOYD: A bill (H. R. 18212) for the relief of Jennie S. Sherman—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 18213) granting an increase of pension to Joseph Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18214) granting an increase of pension to William A. Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18215) to carry out the findings of the Court of Claims in the case of Alfred W. Kent—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 18216) granting an increase of pension to W. H. Reid—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18217) granting an increase of pension to Henry L. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18218) granting an increase of pension to Jeremiah Surer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18219) granting a pension to James L. Hollingsworth—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 18220) granting an increase of pension to Selden M. French—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 18221) granting an increase of pension to Walter E. Jaquith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18222) granting an increase of pension to Genevieve P. Hosley—to the Committee on Pensions.

By Mr. DENBY: A bill (H. R. 18223) granting a pension to William J. Allmand—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 18224) granting an increase of pension to Samuel S. Reynolds—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 18225) granting an increase of pension to Wesley Hibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18226) granting an increase of pension to Frank Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18227) for the relief of Lillie Small Rib—to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 18228) granting an increase of pension to Nicholas Corson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18229) granting an increase of pension to John E. L. Pinto—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18230) granting a pension to Oliver P. Jackson—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 18231) granting a pension to David R. Cone—to the Committee on Pensions.

Also, a bill (H. R. 18232) granting an increase of pension to Enoch Wimberly—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 18233) granting an increase of pension to Daniel H. Ferman—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 18234) granting an increase of pension to James Matthews—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 18235) granting a pension to Justin McCarthy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18236) for the relief of heirs of James W. Ward—to the Committee on War Claims.

Also, a bill (H. R. 18237) granting an increase of pension to William J. Smith—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18238) granting an increase of pension to Benjamin F. McCrady—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 18239) for the relief of Thomas S. Causey—to the Committee on War Claims.

Also, a bill (H. R. 18240) for the relief of Mrs. Mary A. F. Preston—to the Committee on War Claims.

Also, a bill (H. R. 18241) for the relief of the estate of Mrs. Eliza A. Clay, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18242) for the relief of the heirs of George W. Perkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18243) for the relief of the heirs of Eliza Ann Davis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18244) for the relief of the heirs of Clark Gorham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18245) for the relief of the heirs of J. S. Perkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18246) for the relief of the heirs of Joseph Summerlin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18247) for the relief of the heirs of W. S. Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18248) for the relief of the heirs of Mrs. Hannah Pruett, deceased—to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 18249) for the relief of J. R. Read—to the Committee on War Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 18250) for the relief of the heirs of Isaac N. Forrester—to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 18251) granting an increase of pension to Carrie Keefer—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 18252) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

Also, a bill (H. R. 18253) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

By Mr. MADISON: A bill (H. R. 18254) granting an increase of pension to Edward F. Duke—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 18255) for the relief of Joseph Cameron—to the Committee on Claims.

Also, a bill (H. R. 18256) granting an increase of pension to John H. Hasty—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 18257) granting an increase of pension to Joseph M. W. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18258) granting an increase of pension to Callaway C. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18259) granting a pension to R. E. Pelham—to the Committee on Pensions.

Also, a bill (H. R. 18260) granting a pension to Mrs. Anna Nevlin—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18261) granting an increase of pension to Ira B. Timmons—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Texas: A bill (H. R. 18262) for the relief of the heirs of John Osborne, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18263) for the relief of Floyd Wigginton—to the Committee on War Claims.

Also, a bill (H. R. 18264) for the relief of Mrs. S. M. Sisson, widow, and the heirs of Brown Sisson, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 18265) granting an increase of pension to Slone Smith—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18266) granting an increase of pension to Hiram M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18267) granting an increase of pension to Calvin Gunn—to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 18268) granting an increase of pension to Henry C. Van Fleet—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18269) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by act of Congress approved April 17, 1900—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 18270) for the relief of the heirs of A. H. Redus—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 18271) granting an increase of pension to John W. Britton—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 18272) granting an increase of pension to Nathan Gunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18273) granting an increase of pension to James T. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18274) granting an increase of pension to James M. Ing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18275) granting an increase of pension to Moses Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18276) granting an increase of pension to John Halestock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18277) granting an increase of pension to W. T. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18278) granting an increase of pension to R. H. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18279) granting an increase of pension to John L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18280) granting an increase of pension to Francis M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18281) granting an increase of pension to Thomas F. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18282) granting an increase of pension to Aaron Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18283) granting an increase of pension to John T. Beem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18284) granting an increase of pension to James M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18285) granting an increase of pension to John L. Brandt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18286) granting an increase of pension to H. M. Beardsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18287) granting an increase of pension to Steth M. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18288) granting an increase of pension to Robert Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18289) granting an increase of pension to George W. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18290) granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18291) granting an increase of pension to James R. Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18292) granting an increase of pension to Joshua B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18293) granting an increase of pension to George D. Bateman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18294) granting an increase of pension to Jacob Konigstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18295) granting an increase of pension to John W. Toler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18296) granting an increase of pension to Charles A. Kraaz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18297) granting an increase of pension to B. F. Montague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18298) granting an increase of pension to David H. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18299) granting an increase of pension to John T. McGown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18300) granting an increase of pension to William T. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18301) granting an increase of pension to Beal Pickett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18302) granting an increase of pension to George W. Ruble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18303) granting an increase of pension to Nathan G. Springs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18304) granting an increase of pension to Thomas Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18305) granting an increase of pension to Joseph T. Lokey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18306) granting an increase of pension to Thomas Eckols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18307) granting an increase of pension to Thomas C. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18308) granting an increase of pension to Samuel Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18309) granting an increase of pension to Isaac Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18310) granting a pension to W. M. Hopper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18311) granting a pension to Sidney D. Mackey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18312) granting a pension to William Mathis—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 18313) granting an increase of pension to Leroy Litchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18314) granting an increase of pension to Thomas C. McGrath—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18315) granting a pension to Cecelia Van Winkle—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 18316) granting a pension to Carl Reopke—to the Committee on Pensions.

By Mr. ADAMSON: A bill (H. R. 18317) for the relief of Mrs. Mary Perkins—to the Committee on War Claims.

Also, a bill (H. R. 18318) for the relief of the heirs of Willis Miller, deceased—to the Committee on War Claims.

By Mr. BEALL of Texas (by request): A bill (H. R. 18319) for the relief of the estate of John Ivey, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18320) for the relief of the estate of John G. Snell, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18321) for the relief of the estate of William H. Hugley, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18322) for the relief of the estate of John B. Russell, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18323) for the relief of the heirs of Robert McCoy, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18324) for the relief of the heirs of Bethel A. Smith, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18325) for the relief of the heirs of Nash L. Cox, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18326) for the relief of Clement C. Anderton—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 18327) granting an increase of pension to Mrs. William H. Worden—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 18328) for the relief of Susannah Payne and others—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 18329) granting a pension to Thomas Rolle—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 18330) granting an increase of pension to James R. Armor—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 18331) granting an increase of pension to Hiram P. Worthley—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of C. W. Straughan, of Jacksonville, Fla., praying for an investigation of the conduct of the police and officers of the courts of the District of Columbia—to the Committee on the Judiciary.

Also, petition of clergymen of New York City, N. Y., protesting against a further increase in the programme of naval construction—to the Committee on Naval Affairs.

Also, petition of Savannah (Ga.) Board of Trade, favoring enactment of legislation establishing a fixed policy in making appropriations for the waterways and improvements of the rivers and harbors of the United States—to the Committee on Rivers and Harbors.

Also, petition of Jacksonville Credit Men's Association, of Jacksonville, Fla., protesting against the repeal of the present bankruptcy law—to the Committee on the Judiciary.

Also, petition of Polish organizations and Polish press in the United States, praying for action of the House on accompanying resolution expressing sympathies for Polish subjects in Prussia—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of Buffalo, N. Y., praying that employees engaged in taking the Thirteenth Census shall be included under the civil-service rules—to the Committee on the Census.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, protesting against the enactment of proposed legislation having for its object a change in the law licensing officers of American vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Polish National Alliance and all Polish societies of the city of South Bend, Ind., praying for passage of resolution extending sympathy and good wishes of the United States to the Poles in Prussia—to the Committee on Foreign Affairs.

Also, memorial of German-American Alliance of Atlanta, Ga., and 320 similar organizations, against restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., opposing consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of drug-trade section of the New York Board of Trade and Transportation, opposing H. R. 6089, 12675, and 13460, and S. 42 and 3043—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petition of Frank Foss and 47 other citizens of Saco, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ANSBERRY: Petition of Grange No. 153, of Convoy, Ohio, in favor of H. R. 15837—to the Committee on Agriculture.

Also, petition of Evangelical Lutheran Church of Convoy, Ohio, for the passage of Littlefield bill—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Papers to accompany bills for relief of Mrs. S. A. Dunn, J. W. Brantley, and P. J. Culough—to the Committee on War Claims.

By Mr. CALDER: Memorial of executive committee, Grand Army of the Republic, of Kings County, Department of New York, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. CALDERHEAD: Petition of J. M. Schoenheit, of Kansas City, Mo., against prohibition legislation—to the Committee on the Judiciary.

Also, petition of George Burnham, jr., indorsing plan of national-bank guaranteed credit notes—to the Committee on Banking and Currency.

Also, petition of Bishop Potter and other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of Dr. George H. McKedran, against railway-rate legislation tending to depreciate railway stocks—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lincoln Post, No. 1, Grand Army of the Republic, of Topeka, Kans., against abolition of pension agencies—to the Committee on Appropriations.

Also, petitions of Moser Brothers, of Blue Rapids; H. R. Ober, of Lawrence; Leamaul Brothers, of Riley; and Fischer & Sons, of Lawrence, all in the State of Kansas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of Garfield Post, Grand Army of the Republic, of Wichita, Kans., for amending pension laws so as to give widows of soldiers \$12 per month—to the Committee on Invalid Pensions.

Also, petitions of citizens of Clay County, Kans., and Sunflower Council, No. 31, United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Woman's Christian Temperance Union of Douglas, Kans., and Frank P. Grey, of Clay Center, Kans., for prohibition of liquor shipments into prohibition States—to the Committee on the Judiciary.

Also, petition of Murray Myers and other soldiers, of Sedgewick County, Kans., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Paper to accompany H. R. 13432, establishing a subtreasury in Jacksonville, Fla.—to the Committee on Ways and Means.

By Mr. COCKS of New York: Petition of Springfield Citizens' Association, of New York, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, for readjustment of pay of Army and Navy—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petitions of F. S. Lovell Post, No. 230, of Kenosha, and W. W. Patton Post, No. 90, of Broadhead, Grand Army of the Republic of Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. CURRIER: Petitions of Frank F. Gilman and Carrie E. Reed, for a national highway commission—to the Committee on Agriculture.

By Mr. DAVIDSON: Petition of Polish-American citizens of Stevens Point, Wis., against proposed legislation by the Prussian Parliament—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of clergymen of New York City, against building more battle ships—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Paper to accompany bill for relief of Joshua J. Brown—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of George Parmley Day, for forest reservations in White Mountains and southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of Bohemian Free Thinkers, protesting against the motto "In God we trust" upon our coins—to the Committee on Banking and Currency.

Also, petition of the New York State Bankers' Association, of New York City, against the provisions of the Aldrich bill (that they favor an elastic currency)—to the Committee on Banking and Currency.

Also, petition of Howard McFarby, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Homeopathic Medical Society of Kings County, N. Y., favoring H. R. 6089 (Mr. DALZELL's postponed amendment)—to the Committee on Commerce.

Also, petition of New York branch of the American Federation of Labor, protesting against any action by the United States Congress which will interfere or impair the present pilotage system of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Clan-na-Gael of Brooklyn, N. Y., against ratification of treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Louis A. Mansfield, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Grand Army of the Republic of Kings County, Department of New York, protesting against enactment of any law to materially reduce any pension districts and pension agencies that may now exist—to the Committee on Appropriations.

By Mr. DUREY: Petition of New York Branch of the American Federation of Labor, for retention of the pilotage system—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Harvey Becker—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petitions of citizens of Pennsylvania, Amos Evans, and others, for S. 3152 (additional protection for dairy interests)—to the Committee on Agriculture.

By Mr. FORNES: Petition of National Association of Superintendents of Post-Office Stations, favoring S. 4700 and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Pharmaceutical Association of New York City, for H. R. 16091—to the Committee on Expenditures in the Treasury Department.

By Mr. FULLER: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. W. Humphrey, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of L. D. Howe, of Streator, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Free Art League, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. GILL: Petition of Oliver Huckle and others, against further increase of armament in United States Navy—to the Committee on Naval Affairs.

By Mr. GOULDEN: Petition of F. C. Miller, of New York City, favoring H. R. 14639, to classify certain grades in numbered post-office stations (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Pharmaceutical Association of New York, favoring H. R. 16091—to the Committee on Expenditures in the Treasury Department.

By Mr. GRONNA: Petition of citizens of Douglas, N. Dak.—to the Committee on Interstate and Foreign Commerce.

Also, petition of "Skandinaven," of Chicago, Ill., against extension of domestic parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union of Hamilton, N. Dak., for passage of Littlefield bill—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Goodrich, N. Dak., for prohibition in the District of Columbia and passage of Littlefield bill—to the Committee on the District of Columbia.

Also, petition of American Society of Equity, of Glenburn, for extension of the domestic parcels-post service and Federal inspection of grain—to the Committee on the Post-Office and Post-Roads.

Also, petition of Swedish Baptist Church, of Fargo, N. Dak., for passage of Littlefield bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of State Building Trades of California, favoring a large Navy and increase of fortifications on the Pacific coast and naval base on San Francisco Bay—to the Committee on Naval Affairs.

Also, petition of Building Trades Council of California, for exclusion of Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of State Building Trades Council of California, for postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. HELM: Paper to accompany bill for relief of estate of W. G. Cheser—to the Committee on War Claims.

Also, paper to accompany bill for relief of Lon Brown—to the Committee on Invalid Pensions.

Also, petition of William Herndon and others, favoring restriction in immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Connecticut Hardware Association, favoring reduction of first-class postage to 1 cent, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of old soldiers of Shelby, Nebr., favoring H. R. 10510—to the Committee on Invalid Pensions.

Also, petition of soldiers, for H. R. 10510—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Utah Postmasters' Association, for increase of pay for clerks in third-class offices and also for fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of the Lumber Dealers' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of George F. Best, International Association of Machinists, District Lodge No. 1, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Petition of Railway Helpers and Laborers, for battle-ship construction at navy-yards—to the Committee on Naval Affairs.

By Mr. LASSITER: Paper to accompany bill for relief of heirs of William Gei—to the Committee on War Claims.

By Mr. LAW: Petition of Unity Republican Club, of New York, for battle-ship construction at navy-yards—to the Committee on Naval Affairs.

By Mr. LANDIS: Paper to accompany bill for relief of Sculptor Theophilus F. Mills, in the matter of payment for the Stanton bust—to the Committee on the Library.

By Mr. LEE: Paper to accompany bill for relief of Mrs. Mary A. F. Preston—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of George W. Perkerson—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the Grand Army of the Republic, Kings County, Department of New York, protesting against enactment of any law to materially reduce any pension districts and pension agencies that may now exist—to the Committee on Appropriations.

Also, petition of the Lumber Dealers' Association of New Haven, Conn., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KAHN: Petition of Chamber of Commerce of San Francisco, against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of S. A. Cummings and others, of Lewiston, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of Medill Grange, Clark County, Mo., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 10 citizens of Lewis County, Mo., against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. LOUDENSLAGER: Petition of Williamstown (N. J.) Grange and Mullien Hill Grange, for creation of a national highway commission—to the Committee on Agriculture.

Also, petition of Building Trades Council of California, in favor of upbuilding of the Navy—to the Committee on Naval Affairs.

Also, petition of State Building Trades Council of California, for a postal-savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of International Typographical Union, No. 21, of San Francisco, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Building Trades Council of California, for exclusion of Asiatics—to the Committee on Immigration and Naturalization.

By Mr. KÜSTERMANN: Petition of officers and members of Holy Trinity congregation, of Pine Grove, Wis., against Prussian laws that oppress the Poles—to the Committee on Foreign Affairs.

Also, petition of L. H. Siger Post, No. 207, Grand Army of the Republic, Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. LITTLEFIELD: Petition of G. B. Young, for a national highway commission—to the Committee on Agriculture.

By Mr. MALBY: Petition of New York branch of the American Federation of Labor, for retention of the present pilotage system—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Pennsylvania: Papers to accompany bill for increase of pension to Lydia P. Wint, widow of Brig. Gen. Theodore J. Wint—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Military Order Loyal Legion of the United States, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of State Building Trades Council, for a postal-savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of State Building Trades Council, for an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of citizens of Fifth Congressional District of Nebraska, for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Red Cloud, Nebr., against a parcels-post law—to the Committee on the Post-Offices and Post-Roads.

Also, petition of Charles E. McPherson and other veterans of the civil war, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of Local Union No. 6, Photoengravers of North America, of Minneapolis, Minn., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Commercial Club of Red Wing, Minn., for Federal aid to agricultural colleges—to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of citizens of Boston, Mass., urging building of war ships in Government yards—to the Committee on Naval Affairs.

By Mr. NEEDHAM: Petition of State Building Trades Council, for an adequate war fleet on both sides of the continent—to the Committee on Naval Affairs.

By Mr. PETERS: Petition of Society of Arts, Massachusetts, in favor of White Mountain and Appalachian forest-reserve bill—to the Committee on Agriculture.

Also, petition of Boston Merchants' Association, regarding national bankruptcy law—to the Committee on the Judiciary.

By Mr. PRATT: Petition of stereotypers' union of Newark, N. J., for removal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of Lumber Dealers' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York branch of American Federation of Labor, for the bar pilotage system of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of Stationers' Board of Trade, against Aldrich emergency currency bill—to the Committee on Banking and Currency.

Also, petition of Chicago Local, No. 1, of Commercial Telegraphers' Union of North America, for S. 4395 and H. R. 15929, 15123, 15267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Federated Union of New York, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Western Fruit Jobbers' Association, favoring giving Interstate Commerce Commission power to regulate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chenango Lodge, No. 252, Brotherhood of Railway Trainmen, for S. 4206 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Strassburg Tent, No. 219, Knights of Macca-bees, of Buffalo, N. Y., against any prohibition or interstate-

commerce liquor laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 11, of the Brotherhood of Stationary Firemen, of Buffalo, N. Y., for battle-ship construction in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Rochester Credit Men's Association, for the bankruptcy law (H. R. 13266)—to the Committee on the Judiciary.

Also, petition of citizens of Brooklyn, against treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petition of New York branch of the American Federation of Labor, for retention of the pilotage system—to the Committee on the Merchant Marine and Fisheries.

By Mr. SIMS: Petition of citizens and merchants of Clarksburg, Tenn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Workingmen's Federation of New York, for the bar pilotage system of the country—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Percy C. Wilcot, for forest reservations in White Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of R. C. Caldwell (per E. W.), in reference to H. R. 186—to the Committee on Military Affairs.

Also, petition of executive and legislative committees of the Rochester Credit Men's Association, of Rochester, N. Y., favoring the bankruptcy act—to the Committee on Banking and Currency.

Also, petition of the American National Live Stock Association, of Bakersfield, Cal., favoring S. 5431—to the Committee on the Public Lands.

Also, petition of Agnes F. Burmester, favoring H. R. 11794, relative to copyright bill—to the Committee on Patents.

Also, petition of National German-American Alliance, of Philadelphia, Pa., favoring the restoration of the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of Horace P. Dibble, against bill presented by Mr. F. D. CURRIER, of New Hampshire, and favoring the Kirtledge copyright bill—to the Committee on Patents.

Also, petition of American Pharmaceutical Association, favoring H. R. 16091—to the Committee on Expenditures in the Treasury Department.

Also, petition of clergymen of New York City, for decrease in naval armament—to the Committee on Naval Affairs.

Also, petition of Local Union No. 1, International Stereotypers and Electrotypers' Union, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of ex-commissioned officers of the civil war of Sedgwick County, Kans., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of people represented by the United States Monetary League, against asset, credit, or flexible currency—to the Committee on Banking and Currency.

Also, petitions of L. Bolton Bangs and Day, Adams & Co., of New York City, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Dave Reid and others, for amendment to copyright law beneficial to musical composers—to the Committee on Patents.

By Mr. TIRRELL: Paper to accompany bill for relief of Hiram P. Worthley—to the Committee on Invalid Pensions.

By Mr. WAGNER: Petition of D. W. Hartman and other residents of Quakertown, Pa., S. W. Smith and other residents of Buckmanville, Pa., and Keystone Grange, No. 2, of Montgomery County, Pa., asking passage of S. 3152—to the Committee on Agriculture.

By Mr. WASHBURN: Paper to accompany bill for relief of George W. Whitney—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Polish National Alliance, protesting against the unjust edicts of the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. WHEELER: Petition of George L. Daily and 243 others, in favor of S. 3152—to the Committee on Agriculture.

By Mr. WOOD: Petition of D. H. Merritt, for H. R. 14934, covering the subject of the bill-of-lading legislation—to the Committee on Interstate and Foreign Commerce.